State of Utah

Department of Environmental Quality

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

DAQ-036-06

UTAH AIR QUALITY BOARD MEETING

DRAFT AGENDA

Thursday, June 15, 2006
1:30 p.m.

168 North 1950 West (Bldg #2) Room 101

I. Call-to-Order.

II. Date of the Next Air Quality Board Meeting: July 12, 2006.

III. Approval of the Minutes for April's Board Meeting and April 19th phone conference.

IV. Election of New Chairman and Vice Chairman.

V. Final Adoption: Delete R307-413, Permits: Exemptions and Special Provisions; Amend R307-101-2, Definitions; and Amend R307-325, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions. Presented by Colleen Delaney and Jim Schubach.

VI. Final Adoption: Amend R307-210. Standards of Performance for New Stationary Sources (NSPS). Presented by Rusty Ruby.

VII. Final Adoption: Amendments to R307-801, Asbestos. Presented by Robert Ford

VIII. Propose for Public Comment: Amend R307-415-4(2), Operating Permits - Source Category Exemptions - Addition of Five Area Source Exemptions. Presented by Robert Grandy.

IX. Five Year Reviews: Presented by Jan Miller and Mat Carlile

R307-101, General Requirements;
R307-110, General Requirements: State Implementation Plan;
R307-401, Permits: Notice of Intent and Approval Order;
R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);
R307-410 Permits: Emission Impact Analysis;
R307-210, Standards of Performance for New Stationary Sources (NSPS);
R307-223, Emission Standards: Existing Small Municipal Waste Combustors;
R307-801, Asbestos

X. In the Matter of Sevier Power Company Power Plant, DAQE-AN2529001-04- Decision on Request for Agency Action: Presented by Fred Nelson

XI. In the matter of Pine Factory – DAQC-1471-2005 – Decision on Recommendation of Hearing Officer: Presented by Ernest Wessman

XII. Informational Items
A. Compliance. Presented by Jeff Dean.
B. HAPS. Presented by Robert Ford.
C. Monitoring. Presented by Bob Dalley.

In compliance with the American with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Charlene Lamph, Office of Human Resources at (801) 536-4413 (TDD 536-4414).

UTAH AIR QUALITY BOARD MEETING
April 6, 2006

DRAFT MINUTES

I. Call to Order

John Veranth called the meeting to order at 1:37 p.m.

Board members present:

Ernest Wessman	Dianne Nielson	Don Sorensen	Jerry Grover
Jim Horrocks	John Veranth	Nan Bunker	

Executive Secretary: Richard W. Sprott

II. Date of the Next Air Quality Board Meetings

The May Board meeting was cancelled. June 14, 2006 and July 12, 2006 were set as tentative dates for the next Board meetings.

III. Approval of the Minutes for March 8, 2006 Board Meeting

One minor correction needed to be made in the minutes.

- Mr. Horrocks made the motion to approve March's minutes. Mr. Sorensen seconded and the Board approved unanimously.

IV. Propose for Public Comment: Amend R307-210-1. Standards of Performance for New Stationary Sources (NSPS). Presented By Rusty Ruby.

Mr. Ruby stated that the Division of Air Quality has previously incorporated NSPS standards by reference into the Utah Administrative Code. As these standards are modified and promulgated by EPA, the Division updates the incorporation of these standards into the Utah Administrative Code. Although there were three modifications to the standards since July 8, 2004, the following is the only modification that would impact sources in Utah.

On February 22, 2005 (70 FR 8523), promulgated amendments to the NSPS for subpart AA regarding performance for steel plants with electric arc furnaces. This amendment allows plants to use a bag leak detection system on all single stack fabric filters as an alternative monitoring option to a continuous opacity monitoring system.

In addition to incorporating modified NSPS standards, we have excluded specific subparts of Part 60 that are incorporated in other rules.

Mr. Ruby then stated that the staff recommends that R307-210-1 be proposed for public comment.

- Mr. Horrocks made a motion that R307-210-1 be proposed for public comment. Ms. Bunker seconded and the Board approved unanimously.

V. Final Adoption: Amend R307-204, Emission Standards: Smoke Management. Presented by David E.B. Strohm II.

Mr. Strohm stated that on February 1, 2006, the Air Quality Board proposed for comment amendments to R307-204, Emission Standards: Smoke Management. Changes in R307-204 were proposed for comment to provide land managers more flexibility when igniting "small prescribed fires" and "small prescribed pile fires (de minimis)" with minimal risk. In addition, other changes were made to the rule to ensure consistency between the Smoke Management Plan and the rule.

A public hearing was held on March 16, 2006. No oral or written comments were received about this proposal.

Mr. Strohm stated that the staff recommends that the Board adopt R307-204 as proposed at the February Board meeting.

- Mr. Wessman made a motion to adopt R307-204, Emission Standards: Smoke Management. Mr. Sorensen seconded. The Board approved unanimously.

VI. Five-Year Review: R307-204, Emission Standards: Emission Standards: Smoke Management: Presented by Jan Miller.

Ms. Miller stated all state agencies are required by the Utah Administrative Rulemaking Act to review each of their rules at least every fifth year. Because the statute defines "agency" as the state board or other entity that is authorized by statute to make rules, the responsibility to complete the review falls to the Air Quality Board.

Ms. Miller stated that at the end of the review, the agency must file a notice with the Division of Administrative Rules indicating its intent to continue, amend, or repeal the rule. To continue the rule, the agency must address the requirements in 63-46a-9(3) (a); listed on the attached form. If the agency does not file the form on time, the rule automatically expires. Nothing in the review process makes any change in the rule text; if the agency wishes to amend or repeal the rule, a separate action is required under the regular rulemaking procedures.

Ms. Miller then stated that in an earlier item in the packet the Board is asked to adopt changes to R307-204. The Staff has reviewed R307-204 and determined that it meets the requirements.

Ms. Miller stated that the five year review is due on July 4, 2006, but approval is needed to continue with the rule that was just adopted. Mr. Wessman asked if there were any issues present. Ms. Miller stated there were not. Mr. Veranth asked if this applies to written comments. Ms. Miller stated that it could include written comments thru the stakeholder process.

Ms. Miller stated that the staff recommends that the Board continue R307-204 by approving the attached form to be filed with the Division of Administrative Rules.

- Mr. Wessman made a motion to continue with R307-204. Ms. Bunker seconded. The Board approved unanimously.

VII. In the Matter of Sevier Power Company Power Plant, DAQE-AN2529001-04: Presented by Fred Nelson.

A. Sierra Club's renewed request to stay proceedings.
B. Executive Secretary's Motion for Judgment on the Pleadings. Sevier Citizens raised 14 issues in its Request for Agency Action dated March 16, 2005 (see Attachment E). The Executive Secretary has moved for Judgment on the Pleadings on issues 1-3, 6-7, and 10-13, which if granted, would leave issues 4-5, 8-9, and 14 for the Richfield hearing on May 10, 2006.
C. Executive Secretary's Motion to Dismiss the Sevier Citizens initial Request for Agency Action, dated November 1, 2004 (see Attachment D).
D. Pre-hearing conference.

See attached transcript.

VIII. Informational Items

A. Update on EPA Coarse PM Rules.
B. Compliance. Presented by Jeff Dean.
C. HAPS. Presented by Robert Ford.
D. Monitoring. Presented by Bob Dalley.
E. Choose Clean Air 5K Walk

Due to the length of the Board meeting no informational items were presented.

Meeting was adjourned at 6:20 p.m.

UTAH AIR QUALITY BOARD MEETING
April 19, 2006

DRAFT MINUTES

I. Call to Order

John Veranth called the meeting to order at 1:04 p.m.

Board members present: John Veranth
Via Phone: Dianne Nielson, Don Sorensen, Jim Horrocks, Nan Bunker, Stead Burwell, and Scott Lawson

Executive Secretary: Richard W. Sprott

Others present: Christian Stephens, Regg Olsen, Rusty Ruby and Jeff Dean.
Via Phone: Fred Nelson, Fred Finlansen, Paul McKonkie, and James Kennon

IV. Date of the Next Air Quality Board Meetings

The May Board meeting was cancelled and June 14, 2006 and July 12, 2006 were set as tentative dates (See change to June 15, 2006 in Item IV. below).

V. Procedures for Hearing on Petition of Sevier Power Company Approval Order

Mr. Nelson stated that the Sevier Citizens will present evidence and information in support of its request for agency action. There will be a 20-minute opening statement. Rebuttal evidence will then be received by the Executive Secretary and Sevier Power Company. There will be two hours for presentation and one hour for cross examination, for a total of three hours. The Sevier Citizens have a total of three hours as well. After the hearing all parties will have until May 22, 2006 to submit their post-hearing brief.

Mr. Veranth asked if there would be questions or oral arguments. Mr. Horrocks and Ms. Bunker both stated that there should be no more oral arguments.

Mr. Veranth asked whether it would be acceptable for the Board to ask more questions of the parties involved. Ms. Nielson added that there may be issues and questions, and the board should be able to ask them if needed.

Ms. Bunker made the motion to amend the schedule for the Sevier Power Hearing and to submit the post-hearing briefs by May 22, 2006. Mr. Lawson seconded the motion and the Board approved unanimously.

Mr. Nelson stated that there is a revised opening statement, which addresses the time allowed for each party.
Mr. Veranth stated that a time keeper is needed to time each party and if the Board members ask questions, that is not part of either party's time.

VI. Other Business

Mr. Sprott asked member flying down on the State aircraft to be aware of the 7:15AM take-off time.

Mr. Stephens asked if the next Board meeting could be changed to June 15 or 16, 2006. All members present were okay with a June 15th board meeting. Scott could call in. Ms. Nielson suggested polling the rest of the board members by email.

Meeting was adjourned at 1:23 p.m.

State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

JON M. HUNTSMAN, JR.
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GARY HERBERT
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MEMORANDUM

TO: Air Quality Board

THROUGH: Rick Sprott

FROM: Colleen Delaney and Jim Schubach

DATE: June 1, 2006

SUBJECT: Final Adoption: Delete R307-413, *Permits: Exemptions and Special Provisions*; Amend R307-101-2, *Definitions*; and Amend R307-325, *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions.*

On March 8, the Air Quality Board proposed for public comment these three rules that were part of the New Source Review reform package. These rules already had been through the comment process with the other NSR rules, but, under Utah's rulemaking statute (Title 63, Chapter 46a), they were in danger of expiring before the new rules could be made effective, leaving a gap in coverage.

A second public comment period was held April 1 - May 2; no comments were received.

Staff Recommendation: Staff recommends that R307-413, R307-101-2, and R307-325 be adopted as proposed.

Environmental Quality, Air Quality
R307-101-2
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28545
FILED: 03/09/2006, 11:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these amendments is to clarify the general definitions that are used throughout the rules under R307. These amendments are part of revisions to rules related to the federal New Source Review program, commonly called "NSR Reform." (See separate filings on Rules R307-401, R307-405, and R307-410 in this issue). This change reproposes the changes in DAR No. 28319, published in the December 1, 2005, issue of the Bulletin, which has been allowed to lapse.

SUMMARY OF THE RULE OR CHANGE: In Section R307-101-2, amend the reference within the definition of "Allowable Emissions" to match the structure of the new Rule R307-401. Move the definitions of "Best Available Control Technology" and "Indirect Source" from Section R307-101-2 to Rule R307-401, because the terms are used only in the new Rule R307-401. Move the definitions of "Vertically Restricted Emissions Release" and "Vertically Unrestricted Emissions Release" from Section R307-101-2 to Rule R307-410 because the terms are used only in the revised Rule R307-410. Delete the definition of "Air Quality Related Value" and Subsection R307-101-2(2) of the definition of "Significant" because they belong in the new Rule R307-405. Move the definition of "Baseline Date" from Section R307-101-2 to Rule R307-405. Because Rules R307-405 and R307-410 are being revised in response to public comments, they cannot be made effective until 05/02/2006 at the earliest, and thus are now on a different timetable from the original filing Section R307-101-2. The 120-day period for the changes to Section R307-101-2 under DAR No. 28319 will lapse on 04/01/2006; had they been made effective on that date, the definitions being moved from Section R307-101-2 to Rules R307-405 and R307-410 would be eliminated from Utah rules until Rules R307-405 and R307-410 are made effective in May. Because these definitions are important to Utah business, the Air Quality Board is reproposing the amendments in Section R307-101-2 so that it can remain in effect until the changes in Rules R307-405 and R307-410 can be made effective. A public hearing was held on the original proposal to amend Section R307-101-2 and no comments were received. (DAR NOTES: The change in proposed rule filed for Rule R307-401 is under DAR No. 28325, the change in proposed rule filed for Rule R307-405 is under DAR No. 28322, and the change in proposed rule filed for Rule R307-410 is under DAR No. 28323 in this issue. The filing on Section R307-101-2 under DAR No. 28319 lapsed on 04/01/2006.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:
- ❖ THE STATE BUDGET: There is no effect on the state budget because all costs for permitting are covered by fees paid by the sources.
- ❖ LOCAL GOVERNMENTS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected local governments.
- ❖ OTHER PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Moving the definitions may make a very small difference in costs for businesses, as the rules will be easier to understand and to use. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-101. General Requirements.
R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The Executive Secretary shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates,

and types of materials processed, stored, or combusted during the selected time period.

(2) The Executive Secretary may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the executive secretary, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the executive secretary if the executive secretary determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).[

~~"Air Quality Related Values" means, as used in analyses under R307-401-4(1), Public Notice, those special attributes of a Class I area, assigned by a federal Land Manager, that are adversely affected by air quality.~~]

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-[6]8.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Asphalt or Asphalt Cement" means the dark brown to black cementitious material (solid, semisolid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.[

~~"Baseline Date"~~

~~(1) Major source baseline date means:~~

~~(a) in the case of particulate matter:~~

~~(i) for Davis, Salt Lake, Utah, and Weber Counties, the date that EPA approves the PM10 maintenance plan that was adopted by the Board on July 6, 2005;~~

~~(ii) for all other areas of the state, January 6, 1975;~~

~~(b) in the case of sulfur dioxide:~~

~~(i) for Salt Lake County, the date that EPA approves the Sulfur Dioxide maintenance plan that was adopted by the Board on January 5, 2005;~~

~~(ii) for all other areas of the state, January 6, 1975; and~~

~~(c) in the case of nitrogen dioxide, February 8, 1988.~~

~~(2) Minor source baseline date means the earliest date after the trigger date on which the first complete application under 40 CFR 52.21 or R307-405 is submitted by a major source or major modification subject to the requirements of 40 CFR 52.21 or R307-405. The minor source baseline is the date after which emissions from all new or modified sources consume or expand increment, including emissions from major and minor sources as well as any or all general commercial, residential, industrial, and other growth. The trigger date is:~~

~~(a) In the case of particulate matter and sulfur dioxide, August 7, 1977, and~~

~~(b) In the case of nitrogen dioxide, February 8, 1988.~~

~~"Best Available Control Technology (BACT)" means an emission limitation and/or other controls to include design, equipment, work practice, operation standard or combination thereof, based on the maximum degree of reduction of each pollutant subject to regulation under the Clean Air Act and/or the Utah Air Conservation Act emitted from or which results from any emitting installation, which the Air Quality Board, on a case by case basis taking into account energy, environmental and economic impacts and other costs, determines is achievable for such installation through application of production processes and available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall applications of BACT result in emissions of any pollutants which will exceed the emissions allowed by Section 111 or 112 of the Clean Air Act.~~]

"Board" means Air Quality Board. See Section 19-2-102(6)(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

.....

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.[

~~"Indirect Source" means a building, structure or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.~~]

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

.....

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM10: 15 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.[

~~(2) For purposes of R307-405 it shall also additionally mean for:~~

~~(a) A rate of emissions that would equal or exceed any of the following rates:~~

~~Asbestos: 0.007 tpy;~~

~~Beryllium: 0.0004 tpy;~~

~~Mercury: 0.1 tpy;~~

~~Vinyl Chloride: 1 tpy;~~

~~Fluorides: 3 tpy;~~

~~Sulfuric acid mist: 7 tpy;~~

~~Hydrogen Sulfide: 10 tpy;~~

~~Total reduced sulfur (including H2S): 10 tpy;~~

~~Reduced sulfur compounds (including H2S): 10 tpy;~~

~~Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2 grams per year (3.5×10^{-6} tons per year);~~

~~Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year);~~

~~Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year);~~

~~Municipal solid waste landfill emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year);~~

~~(b) In reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the Clean Air Act not listed in (1) and (2) above, any emission rate.~~

~~(c) Notwithstanding the rates listed in (1) and (2) above, any emissions rate or any net emissions increase associated with a major source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 ug/cubic meter, (24 hour average).~~]

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Synthesized Pharmaceutical Manufacturing" means the manufacture of pharmaceutical products by chemical synthesis.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical

Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV- C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.[

~~"Vertically Restricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed in a downward or horizontal direction due to the alignment of the opening or a physical obstruction placed beyond the opening, or at a height which is less than 1.3 times the height of an adjacent building or structure, as measured from ground level.~~

~~"Vertically Unrestricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed upward without any physical obstruction placed beyond the opening, and at a height which is at least 1.3 times the height of an adjacent building or structure, as measured from ground level.~~]

"Volatile Organic Compound (VOC)" as defined in 40 CFR 51.100(s)(1), as effective on July 1, 2004, and amended on November 29, 2004, by 69 FR 69290 and 69 FR 69298, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

KEY: air pollution, definitions
Date of Enactment or Last Substantive Amendment: [~~September 2, 2005~~]2006
Notice of Continuation: June 5, 2003
Authorizing, and Implemented or Interpreted Law: 19-2-104

♦ ♦

Environmental Quality, Air Quality
R307-325
Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28544
FILED: 03/09/2006, 11:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these amendments is to clarify the applicability of this rule. These amendments are part of revisions to rules related to the federal New Source Review program, commonly called "NSR Reform." (See separate filing on Rule R307-401 in this issue). This change reproposes the changes in DAR No. 28321, published in the December 1, 2005, issue of the Bulletin, which has been allowed to lapse.

SUMMARY OF THE RULE OR CHANGE: Section R307-325-3 requires that best available control technology (BACT) be at least as stringent as any published Control Technique Guidance (CTG) for any new source that locates in an ozone maintenance area. This proposal moves provisions of Section R307-325-3 to Subsection R307-401-8(1)(a) so that all permitting requirements are in one place. Contingency measures to be implemented if the ozone health standards are violated are currently located in Section R307-401-10; this proposal moves those provisions to Section R307-325-4 with other ozone regulations. Because Rule R307-401 is being revised in response to public comments, it cannot be made effective until 05/02/2006 at the earliest, and thus is now on a different timetable from Rule R307-325. The 120-day period for the changes proposed for Rule R307-325 (DAR No. 28321) lapsed on 04/01/2006; had they been made effective on that date, the provisions being moved from Rule R307-325 to Rule R307-401 would be eliminated from Utah rules until Rule R307-401 is made effective in May. Because these provisions are important to Utah business, the Air Quality Board is reproposing the amendments in Rule R307-325 so that they can remain in effect until the changes in Rule R307-401 can be made effective. A public hearing was held on the original proposal to amend Rule R307-325 and no comments were received. (DAR NOTES: The change in proposed rule filed for Rule R307-401 is under DAR No. 28325 in this issue. The filing on Rule R307-325 under DAR No. 28321 lapsed on 04/01/2006.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-104 and 19-2-101

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The state budget is not affected because all costs for permitting are covered by the fees paid by sources.
❖ LOCAL GOVERNMENTS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected local governments.
❖ OTHER PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Moving the definitions may make a very small difference in costs for businesses, as the rules will be easier to understand and to use. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-325. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions.
R307-325-3. [~~New Sources.~~
~~(1) New Sources. When determining best available control technology (BACT) under R307-401-6(1) for a new or modified source in an ozone nonattainment area or Salt Lake and Davis Counties, the executive secretary shall review EPA guidance, including Control Technique Guidance (CTG) documents and Alternative Control Technique (ACT) documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.~~

~~R307-325-4.~~]Compliance Schedule.
By September 29, 1981, 180 days after the effective date of R307-325 through 341, all sources shall be in compliance.

R307-325-4. Contingency Requirement for Ozone Nonattainment Areas and Salt Lake and Davis Counties.
If the Contingency Requirements for nitrogen oxides are triggered as outlined in Section IX.D.2.h(2) of the State Implementation Plan, all existing sources excluding non-commercial residential dwellings shall install either low oxides of nitrogen burner technology as described in R307-401-4(3), unless such requirement is not physically practical or cost-effective, or controls resulting from application of an equivalent technology, both of which shall be determined by the executive secretary. All sources required to install new controls under R307-325-4 shall submit, within two months after the trigger date, either a schedule for installing the equipment or a request for an exemption. The required equipment shall be operational as soon as practicable or within a reasonable time agreed upon by the source and the executive secretary.

KEY: air pollution, emission controls, ozone, RACT[*]
Date of Enactment or Last Substantive Amendment: [~~September 15, 1998~~]2006

Notice of Continuation: August 1, 2003
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

Environmental Quality, Air Quality
R307-413
Permits: Exemptions and Special Provisions

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 28546
FILED: 03/09/2006, 11:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to move provisions from Rule R307-413 into Rule R307-401 to clarify that these exemptions apply only to the requirements of Rule R307-401 and not to other permitting rules, and to remove exemptions that provide no benefit to the environment or the public. (See separate filing on Rule R307-401 in this issue). This change reproposes the changes in DAR No. 28324, published in the December 1, 2005, issue of the Bulletin, which has been allowed to lapse.

SUMMARY OF THE RULE OR CHANGE: The portions of Rule R307-413 that are being re-located to Rule R307-401, Sections R307-413-9 through R307-413-12 and R307-413-14 through R307-413-16. These provisions are moved in order to clarify that these exemptions and special provisions apply only to the requirements of Rule R307-401. Changes to the exemptions that are moved to Rule R307-401 were addressed in the Rule Analysis for Rule R307-401; see filing DAR No. 28325 published in the December 1, 2005, issue of the Bulletin. The repeal of Rule R307-413 will result in the following being removed from the rules: a) the flexibility provisions that were located in Section R307-413-3 are being deleted because the rule has provided little benefit and is routinely misinterpreted. The underlying goals of this exemption are being met through other mechanisms such as flexible permit conditions and the exemption in R307-401-12 for sources that reduce air emissions; b) exemptions that were formerly located in Section R307-413-4 that apply to parking lots and emissions of various nonreactive volatile organic compounds have been deleted because they are no longer meeting the intended purpose. Because Rule R307-401 is being revised in response to public comments, it cannot be made effective until 05/02/2006 at the earliest, and thus is now on a different timetable from Rule R307-413. The 120-day period for the proposed repeal of Rule R307-413 (DAR No. 28324) lapsed on 04/01/2006; had it been made effective on that date, the exemptions being moved from Rule R307-413 to Rule R307-401 would be eliminated from Utah rules until Rule R307-401 is made effective in May. Because the exemptions are important to Utah business, the Air Quality Board is

reproposing the repeal of Rule R307-413 so that it can remain in effect until the changes in Rule R307-401 can be made effective. A public hearing was held on the original proposal to repeal Rule R307-413 and no comments were received. This rule is repealed in its entirety. (DAR NOTES: The change in proposed rule filed for Rule R307-401 is under DAR No. 28325 in this issue. The filing on Rule R307-413 under DAR No. 28324 lapsed on 04/01/2006.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no effect on the state budget because all costs for permitting are covered by fees paid by the sources.

❖ LOCAL GOVERNMENTS: For local governments that own sources that may be subject to Rule R307-401, where some provisions of Rule R307-413 will be relocated, no cost increases are expected as a result of these changes.

❖ OTHER PERSONS: For sources and persons that own sources that may be subject to Rule R307-401, where some provisions of Rule R307-413 will be relocated, no cost increases are expected as a result of these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For persons that own sources that may be subject to Rule R307-401, where some provisions of Rule R307-413 will be relocated, no cost increases are expected as a result of these changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Changing the exemptions and moving them to R307-401 may result in cost savings to individual businesses, and are not anticipated to increase costs for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

[~~R307-413. Permits: Exemptions and Special Provisions.~~

~~R307-413-1. Definitions and General Requirements.~~

~~(1) The following additional definitions apply to R307-413-7.~~

~~"Boiler" is defined in R315-1-1, which incorporates by reference 40 CFR 260.10, and is identified as follows:~~

~~(a) an industrial boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;~~

~~(b) a utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluid for sale;~~

~~(c) a used oil fired space heater provided that the burner meets the provisions of R315-15-2.4.~~

~~"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.~~

~~(2) Any control apparatus installed on a source that is exempted under R307-413-2 through 6 shall be adequately and properly maintained. The owner or operator of any new or existing emission unit that is exempted under R307-413-2 through 6 is required to comply with all other applicable rules in Title R307.~~

~~(3) If the executive secretary has reason to believe, after completion of an appropriate analysis and evaluation in consultation with the source owner or operator, that the emissions from a source described in R307-413-2 through 6 are not meeting any specified approval order or State Implementation Plan limitation, or create an adverse impact to the environment, or would be injurious to human health or welfare, then the notice of intent and approval order provisions of R307-401 will apply.~~

~~R307-413-2. Small Source Exemptions - De minimis Emissions.~~

~~(1) A new or existing stationary source is exempt from the notice of intent and approval order requirements of R307-401 if the following conditions are met:~~

~~(a) it is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;~~

~~(b) its potential to emit does not make it a stationary major source or require emission offset provisions as required by R307-403 for a new or modified source;~~

~~(c) its actual emissions are less than 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide (SO_2), carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM_{10}), ozone (O_3), or volatile organic compounds (VOCs);~~

~~(d) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;~~

~~(e) its actual emissions are less than 500 pounds per year of any air contaminant not listed in (c) or (d) above and less than 2000 pounds per year of any combination of air contaminants not listed in (c) or (d) above; and~~

~~(f) for purposes of determining applicability of R307-413-2, other air contaminants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide (CO_2), nitrogen (N_2), oxygen (O_2), argon (Ar), neon (Ne), helium (He), krypton (Kr), xenon (Xe) should not be included in emission calculations.~~

(2) Small Source Exemption - Registration Required in Nonattainment and Maintenance Areas. The owner or operator of a stationary source located in a nonattainment area or a maintenance area for the air contaminants, including ozone precursors, that is claiming an exemption under R307-413-2 shall submit to the executive secretary a written registration notice. An existing source shall submit this registration notice no later than March 15, 1997. A new source shall submit the registration notice prior to commencing construction. The notice shall include the following minimum information:

(a) identifying information including company name and address, location of source, telephone number, and name of plant site manager or point of contact;

(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;

(c) identification of expected emissions;

(d) estimated annual emission rates;

(e) any control apparatus used; and

(f) typical operating schedule.

(3) The owner or operator of a temporary source that is claiming exemption under R307-413-2 must still comply with the conditions of R307-401-7.

R307-413-3. Flexibility Changes.

(1) A change to an existing stationary source is exempt from the notice of intent and approval order requirements of R307-401 if the source is covered by an approval order and the change satisfies the following conditions:

(a) the change is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;

(b) the increases in allowable emissions from the change since the issuance of the current approval order for the source are less than:

(i) 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide (SO2), carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM_{10}), ozone (O_3), or volatile organic compounds (VOCs);

(ii) 500 pounds per year of any hazardous air pollutant and 2000 pounds per year of any combination of hazardous air pollutants; and

(iii) 500 pounds per year of any air contaminant not listed in (i) or (ii) above and 2000 pounds per year of any combination of air contaminants not listed in (i) or (ii) above;

(c) for purposes of determining applicability of R307-413-3, other air contaminants that are drawn from the environment through equipment in intake air and then are released back to the enviroment without chemical change, as well as carbon dioxide (CO_2), nitrogen (N_2), oxygen (O_2), argon (Ar), neon (Ne), helium (He), krypton (Kr), xenon (Xe) should not be included in emission calculations;

(d) the increase of allowable emissions from the change is accompanied by an equivalent or greater decrease of allowable emissions of the same air contaminants within the source at the time of the change, so long as the emissions decrease is enforceable in an approval order;

(e) the net emissions increase at the source, as defined in R307-101-2, as a result of the change shall not constitute a major modification, as defined in R307-101-2; and

(f) The owner or operator claiming an exemption pursuant to R307-413-3 submits to the executive secretary a written notice prior to the change. The notice shall include the information specified in R307-413-2(2)(a) through (f) and a description of where the owner or operator will reduce allowable emissions at least equal to any increase in emissions from the change.

(2) The approval order shall reflect emission increases and decreases of emitting units at the source resulting from the change.

(3) A source must go through the full Notice of Intent and Approval Order requirements of R307-401 to change any limitation which a source is relying on, either to avoid being classified as a major source, or to avoid having a change in emissions be considered a major modification.

(4) No comment period under R307-401-4 is required for this approval order change and update.

R307-413-4. Other Exemptions.

The following sources are exempt from the notice of intent and approval order requirements of R307-401.

(1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah is exempt, unless there are emissions other than combustion products.

(2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6 is exempt.

(3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour is exempt.

(4) Exhaust systems for controlling steam and heat that do not contain combustion products are exempt.

(5) New parking areas of less than 600 vehicles capacity or modified parking areas increasing capacity by less than 350 vehicles are exempt.

(6) Emissions of 1,1,1-trichloroethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, 1,1,2-trichloro-1,2,2-trifluoroethane, 1,2-dichloro-1,1,2,2-tetrafluoroethane, methane, ethane, and chloropentafluoroethane are exempt. However, the owner or operator of a source emitting 10 tons per year or more of any of these compounds must submit a notice of intent to the executive secretary prior to construction of the source.

R307-413-5. Replacement-in-Kind Equipment.

(1) Applicability. The owner or operator of a stationary source of air contaminants who modifies any process or replaces any control apparatus that is covered by an existing approval order, a previous approval order that has been superseded by an operating permit, or a requirement contained in a State Implementation Plan is exempt from the notice of intent and approval order requirements of R307-401, when the replacement-in-kind equipment meets all of the following conditions:

(a) potential to emit of the process equipment is the same or lower;

(b) the number of emission points or emitting units is the same or lower;

(c) no additional types of air contaminants are emitted as a result of the replacement;

(d) the control apparatus or process equipment is essentially the same as that being replaced and is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;

(e) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.

(2) Replacement in Kind Procedures.

(a) In lieu of filing a notice of intent under R307-401, an owner or operator of a stationary source proposing to replace control apparatus or process equipment by in-kind equipment shall submit a written notification to the executive secretary for approval prior to initiation of replacement. The notification shall contain a description of the replacement in kind, to include the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.

(b) If the replacement in kind meets the conditions of (1) above, the executive secretary will update the appropriate approval order and notify the owner or operator. No public comment period under R307-401-4 is required.

R307-413-6. Reduction of Air Contaminants.

(1) Applicability. The owner or operator of a stationary source of air contaminants covered by an existing approval order or a State Implementation Plan that reduces or eliminates air contaminants by changing, substituting, or eliminating process raw materials or process equipment, or uses a more efficient process design, is exempt from the notice of intent and approval order requirements of R307-401, when all the following are met:

(a) there is a permanent reduction of air contaminants per year that is enforceable by an approval order;

(b) there are no new air contaminants emitted as a result of the changes; and

(c) the changes do not violate any provision of Title R307 rules.

(2) Procedures for the Reduction or Elimination of Air Contaminants Exemption. In lieu of filing a notice of intent under R307-401, an owner or operator of a stationary source making changes as described in (1) above shall submit a written description of the changes to the executive secretary no later than 60 days after the changes are made. The approval order will be updated by the executive secretary to reflect the reductions and other changes; no comment period under R307-401-4 is required.

R307-413-7. Exemption from Notice of Intent Requirements for Used Oil Fuel Burned for Energy Recovery.

(1) Exemption. Boilers burning used oil for energy recovery are exempt from the notice of intent requirement of R307-401 if the following requirements are met:

(a) The heat input design is less than one million BTU/hr.

(b) Contamination levels of all used oil to be burned do not exceed any of the following values:

(i) Arsenic - 5 ppm by weight

(ii) Cadmium - 2 ppm by weight

(iii) Chromium - 10 ppm by weight

(iv) Lead - 100 ppm by weight

(v) Total halogens - 1,000 ppm by weight

(vi) Sulfur - 0.50% by weight.

(c) The flash point of all used oil to be burned is no less than 100 degrees Fahrenheit.

(2) Requirements. The owner/operator of boilers burning used oil for energy recovery which are exempt under (1) above shall only burn used oil meeting the requirements of (1)(b) and (c) above and shall test each load of used oil received or generated as directed by the executive secretary to insure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point must be measured using the appropriate ASTM method as required by the executive secretary. Records for used oil consumption and test reports are to be kept for all periods when fuel burning equipment is in operation. The records shall be kept on site and made available to the executive secretary or his representative upon request. Records must be kept for a three year period.

R307-413-8. De minimis Emissions From Air Strippers and Soil Venting Projects.

(1) An owner or operator of an air stripper or soil venting system will not be required to obtain an approval order under R307-401 to conduct remediation of contaminated groundwater or soil, if the owner or operator submits written documentation of the following to the executive secretary prior to beginning the remediation project:

(a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in R307-413-2(1)(c), and

(b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in R307-410-4(1)(d).

(2) After beginning the soil remediation project, the owner or operator shall submit emissions information to the executive secretary to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in (1) are not exceeded. Emissions estimates of volatile organic compounds and hazardous air pollutants shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8020 or #8021 or other test or monitoring method approved by the executive secretary. Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the executive secretary within one month of sampling. The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the executive secretary.

(3) The following control devices do not require an approval order under R307-401 when used in relation to an air stripper or soil venting project applicable to this rule:

(a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or

(b) carbon adsorption unit.

R307-413-9. De minimis Emissions From Soil Aeration Projects.

An owner or operator of a soil remediation project is not required to obtain an approval order under R307-401 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits written documentation of the following to the executive secretary prior to beginning the remediation project:

(1) the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from a given

~~project are less than the de minimis emissions listed in R307-413-2(1)(c);~~
~~(2) the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in R307-410-4(1)(d); and~~
~~(3) the location of the remediation and where the remediated material originated.~~

~~**KEY: waste oil*, permits, exemption*, de minimis***~~
~~**Date of Enactment or Last Substantive Amendment: September 15, 1998**~~
~~**Notice of Continuation: August 1, 2003**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108**~~]

Environmental Quality, Radiation Control
R313-32
Medical Use of Radioactive Material

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28541
FILED: 03/08/2006, 11:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this change is to modify Utah's Radiation Control Rules to be compatible with Federal requirements found in 10 CFR 35.

SUMMARY OF THE RULE OR CHANGE: The modifications to Rule R313-32 (incorporating 10 CFR 35 (2006) by reference) are primarily to sections regarding training and experience requirements for individuals seeking approval to become authorized users (AUs), authorized medical physicists (AMPs), authorized nuclear pharmacists (ANPs), or radiation Safety Officers (RSOs). Specifically, modifications to the requirements that must be met as part of a specialty board's certification process for the specialty board's certification to be recognized by the U.S. Nuclear Regulatory Commission or an Agreement State have been made. In addition, the number of didactic hours of specific radiation safety training for an AU, an AMP, an ANP, or an RSO have been specified for those individuals who are not certified by an approved specialty board. The definition of the term, "preceptor," was modified and the requirements for preceptor statements were changed. A new section for limited training for individual AUs seeking approval for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries) was added.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104 and 19-3-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 10 CFR Part 35 (2006 edition)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: Since the change is a modification to previously existing training and experience requirements, no additional regulatory requirements will need to be implemented by the state. Therefore, changes in the rules will not result in a cost or savings to the state budget.
❖ LOCAL GOVERNMENTS: The rule modification does not affect the local governments presently licensed under the rules under R313. Therefore, there will be no cost or savings for local governments.
❖ OTHER PERSONS: Because the proposed changes allow medical licensees flexibility in methods used to attain compliance with the rule, overall costs or savings to most affected persons will depend on their business practices and cannot be determined.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the proposed changes allow each specific medical licensee flexibility in methods used to attain compliance with the rule, overall costs or savings to most affected persons will depend on their business practices and cannot be determined.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Actual costs or savings are dependant on the business practices used and therefore, cannot be determined. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gwyn Galloway at the above address, by phone at 801-536-4258, by FAX at 801-533-4097, or by Internet E-mail at ggalloway@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/10/2006

AUTHORIZED BY: Dane Finerfrock, Director

R313. Environmental Quality, Radiation Control.
R313-32. Medical Use of Radioactive Material.
R313-32-1. Purpose and Authority.

(1) The purpose of this rule is to prescribe requirements and provisions for the medical use of radioactive material and for issuance of specific licenses authorizing the medical use of this material. These requirements and provisions provide for the protection of the public health and safety. The requirements and provisions of Rule R313-32 are in addition to, and not in substitution for, other sections of Title R313.

State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

MEMORANDUM

TO: Air Quality Board

THROUGH: Richard Sprott, Executive Secretary

FROM: Rusty Ruby Rusty Ruby, Manager, New Source Review Section Manager

DATE: 5/25/2005

SUBJECT: Final Adoption: Amend R307-210 Amend R307-210-1. Standards of Performance for New Stationary Sources (NSPS).

On April 6, 2006, the Air Quality Board proposed for comment amendments to R307-210-1, Standards of Performance for New Stationary Sources (NSPS). Changes in R307-210 were proposed for comment to update the incorporation of NSPS standards by reference in the rule and to excluded specific subparts of Part 60 that are incorporated in other rules.

A public hearing was held on May 18, 2006. No oral or written comments were received about this proposal.

Recommendation

Staff recommends that the Board adopt R307-210-1 as proposed at the April Board meeting.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Eliminating duplication in one administrative rule has no impact on the State budget.
❖ LOCAL GOVERNMENTS: None--Elimination duplication in an administrative rule related to certification of real estate schools and instructors has no impact on local government.
❖ OTHER PERSONS: None--Eliminating duplicate provisions in an administrative rule has no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There will be no compliance costs incurred by regulated persons if a duplicate provision is deleted from administrative rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing eliminates duplicative provisions. No fiscal impact to businesses is anticipated by this filing. Francine A. Giani, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
REAL ESTATE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/31/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 06/01/2006

AUTHORIZED BY: Derek Miller, Director

R162. Commerce, Real Estate.
R162-8. Prelicensing Education.
R162-8-8. Administrative Proceedings.

8.8 The Division may deny certification or renewal of certification to any school or instructor that does not meet the standards required by this chapter in accordance with Section R162-10 of these rules.[

~~8.8.1 Formal adjudicative proceedings. Any adjudicative proceedings as to the following matters shall be conducted on a formal basis:~~

~~8.8.1.1 The revocation or suspension of certification of real estate schools or instructors.~~

~~8.8.2 Informal adjudicative proceedings. Any adjudicative proceedings as to the following matters shall be conducted on an informal basis:~~

~~8.8.2.1 The issuance or renewal of certification of real estate schools or instructors.~~]

KEY: real estate business
Date of Enactment or Last Substantive Amendment: [~~October 21, 2004~~]2006
Notice of Continuation: June 3, 2002
Authorizing, and Implemented or Interpreted Law: 61-2-5.5

♦ ♦

Environmental Quality, Air Quality
R307-210-1
Standards of Performance for New Stationary Sources (NSPS)

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28601
FILED: 04/07/2006, 14:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule incorporates federal standards by reference. The purpose of the amendments is to add to the Utah rule the amendments in standards that have been made in the federal rule since July 8, 2004. The federal rules already apply to the sources; incorporating them into the state rule allows the Division of Air Quality to enforce the standards. In addition to incorporating the modifications to the standards, specific subparts of 40 CFR Part 60 that are regulated in different rules have been excluded in Rule R307-210.

SUMMARY OF THE RULE OR CHANGE: Amendments in the federal New Source Performance Standards have been made in 40 CFR Part 60, since Utah last incorporated the standards by reference into Rule R307-210. This amendment incorporates the revised federal standards through July 1, 2005, into this rule. The federal rules already apply to the sources; incorporating them into the state rule allows the Division of Air Quality to enforce the standards. Although there were three modifications to the standards since July 8, 2004, the following is the only modification that would impact sources in Utah. On February 22, 2005 (70 FR 8523), EPA promulgated amendments to the NSPS for subpart AA regarding performance for steel plants electric arc furnaces. This amendment allows plants to use a bag leak detection system on all single stack fabric filters as an alternative monitoring option to continuous opacity monitoring system (COMS). Specifically, this amendment allows plants to use a bag leak detection system on all single stack fabric filters as an alternative monitoring option to COMS. Owners or operators are required to develop a site-specific monitoring plan describing how the system will be selected, installed, and operated, including how the alarm levels will be established. In the event a bag leak detection system alarm is triggered, the owner or operator must initiate corrective action to determine the cause of the alarm within one hour of the alarm and alleviate the cause of the alarm within three hours. An approved site-specific monitoring plan may allow more than

three hours for alleviating a specified condition where an explanation is provided justifying a longer time period. The owner or operator also must conduct an opacity observation at least once per day when the furnace is in the melting and refining period, in accordance with EPA Method 9 (40 CFR part 60, appendix A). All opacity observations greater than 3% opacity must be reported as a violation of the opacity standard. In addition, if the alarm on the bag leak detection system was not alarming during the time the opacity was observed to be greater than 3%, the alarm on the bag leak detection system must be lowered to a point that an alarm would have occurred during the observation. In addition, to incorporating the modifications to the standards, specific subparts of 40 CFR Part 60 that are regulated in different rules have been excluded in Rule R307-210.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-104 and 19-2-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 60, July 1, 2005, except for Subparts Cb, Cc, Cd, Ce, BBBB, and DDDD

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no change in cost to the state budget, as the affected sources already are included in state rules, and thus already are subject to inspection and compliance review.

❖ LOCAL GOVERNMENTS: Because the amendment does not create new requirements for sources owned or operated by local government, no change in costs is expected for other persons

❖ OTHER PERSONS: This amendment gives sources an alternative monitoring option to COMS. Because this new rule does not create new requirements, no change in costs is expected for other persons. Though specific savings cannot be identified, they are likely to be small.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment gives sources an alternative monitoring option to COMS. Because this new rule does not create new requirements, no change in costs is expected for affected persons. Though specific savings cannot be identified, they are likely to be small.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The federal amendments increase flexibility for sources and fine-tune existing requirements. Sources will see some opportunity for savings, and no increased costs are expected. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/31/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/18/2006 at 2:00 PM, DEQ Building, 150 N 1950 W, Main Conference Room, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/13/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-210. Stationary Sources.
R307-210-1. Standards of Performance for New Stationary Sources (NSPS).

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on [~~July 1, 2004, and amended by 64 FR 41346 (July 8, 2004)~~]July 1, 2005, except for Subparts Cb, Cc, Cd, Ce, BBBB, and DDDD, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "executive secretary" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

KEY: air pollution, stationary sources, new source review
Date of Enactment or Last Substantive Amendment: [~~April 19, 2005~~]2006
Notice of Continuation: August 15, 2001
Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-49

Dental Service

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28618
FILED: 04/14/2006, 16:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Funding was not provided for the adult dental program by the 2006 Utah Legislature. This rulemaking is necessary to reflect that action.

State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

MEMORANDUM

TO: Air Quality Board

FROM: Robert W. Ford, Hazardous Air Pollutants Section Manager

DATE: June 1, 2006

SUBJECT: Final Adoption: Amendments to R307-801, Asbestos.

On February 1, 2006, the Board proposed for public comment amendments to R307-801 that allow contractors that remove asbestos from buildings to notify DAQ of their plans through an electronic notification system, as well as the current in-person and mailed system. A public hearing was held on March 23; no comments were received.

During the comment period, one written comment was received.

COMMENT: At the Provo Library I saw a notice to require buildings which have asbestos to do more notification than is currently required because of the health hazard of asbestos. I wanted to write you and put in my comment that I learned in my mineral course at college that there are three separate types of asbestos, classified as blue, brown, and white. Blue and brown asbestos have been proven to cause cancer. Because of their rod shaped mineral structure they lodge in lung tissue and are difficult to extricate. Blue and brown asbestos, however, are used almost exclusively in shipbuilding, not currently a major industry of Utah to the best of my knowledge. White asbestos, the kind used in most buildings, has curly fibers that to not penetrate lung material and do not seem to affect health significantly. The geology textbook I was using (the title of which I do not recall) noted that the incidence of cancer in Canadian miners of white asbestos was lower than the general public (while noting a significantly higher rate of cancer in miners of blue and brown asbestos). In short, it seems a terrible waste of time and money to put in extra laws requiring further regulations on a substance that is not particularly dangerous for the general public. (Bryce Shelley)

> **Response:** The amendment does not require any additional notification to DAQ, it allows contractors to notify their projects electronically if they wish to do so. The rule does not require removal of asbestos from buildings, but sets safety requirements that must be followed if asbestos is removed.

Mr. Shelley is incorrect in saying that the asbestos generally used in buildings does not affect public health. All three types of asbestos (Amosite (brown), Crocidolite (blue) and Chrysotile (white)) are found in Utah buildings and all are known to cause cancer. There is no regulatory difference found in current USEPA and Utah DAQ rules between the three types of asbestos.

Staff recommendation: Staff recommends that the rule changes be adopted as they were proposed.

(vi) Wilderness or Resource Natural Area designation, if applicable[-];
(vii) Distance to nearest community;
(viii) Elevation of fire; and
(ix) Fire's airshed number.

(b) [~~The following information shall be submitted to the executive secretary 48 hours after submittal of the information required by (1)(a) above~~]The Land Manager shall notify the executive secretary of any potential wildland fire use (WFU) event covering more than 20 acres or having a WFIP Stage II. In addition to the information required for a WFU with a WFIP Stage I, the following additional information will be provided to the executive secretary as it is being developed:

(i) WFIP Stage II [~~W~~]wildland fire implementation plan and anticipated emissions;

(ii) A map[~~, preferably with a scale of 1:62,500,~~] depicting both the daytime and nighttime smoke path and down-drainage flow for a minimum of 15 miles from the burn site with smoke-sensitive areas delineated; and

(iii) Additional computer smoke modeling, if requested by the executive secretary.

(c) The executive secretary's approval of the smoke management element of the wildland fire implementation plan shall be obtained before managing the fire as a wildland fire use[~~d~~] event[~~for resource benefits~~].

(2) Daily Emission Report for [~~W~~]wildland [~~F~~]fire [~~U~~]use[~~d~~] event[~~for Resource Benefits~~]. By [~~8:00 a.m.~~]0800 hours on the business day following fire activity covering [~~50~~]20 acres or more, the land manager shall submit to the executive secretary the daily emission report on the form provided by the Division of Air Quality, including the following information:

(a) The three-letter identification, project number, Air Quality Basin, and name of the burn manager;
(b) UTM coordinate;
(c) Dates and times of the start and end of the burn;
(d) Black acres by wildland fuel type;
(e) Estimated proportion of wildland fuel consumed by wildland fuel type;
(f) Proportion of moisture in the wildland fuel by size class;
(g) Emission estimates;
(h) Level of public interest or concern regarding smoke; and
(i) Conformance to the wildland fire implementation plan.

(3) Monitoring. The land manager shall monitor the effects of smoke on smoke sensitive receptors and visibility in Class I areas as directed by the wildland fire implementation plan. Complaints from the public shall be recorded in the project file. Records shall be available for inspection by the executive secretary for six months following the end of the fire.

KEY: air quality, wildland fire, smoke, land manager
Date of Enactment or Last Substantive Amendment: [~~July 7, 2005~~]2006
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

♦ ♦

Environmental Quality, Air Quality
R307-801
Asbestos

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28502
FILED: 02/09/2006, 13:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendments allow users to notify the Division of Air Quality (DAQ) electronically when demolition or renovation projects that disturb asbestos are to be undertaken. Nonsubstantive editorial corrections are also made.

SUMMARY OF THE RULE OR CHANGE: In Section R307-801-12, add language to allow notification of DAQ through the DAQ electronic notification system when demolition or renovation projects that disturb asbestos are planned. The rule currently allows notification in person, by the U.S. Postal Service, or by commercial delivery services, and those notification methods will remain in the revised rule. In Subsection R307-801(2)(b), clarify that the waiting period is 10 WORKING days, not calendar days, to be consistent with Subsection R307-801-11(1)(a); in Subsection R307-801-14(4), correct the citation from Section R307-801-8 to Section R307-801-14; in Subsection R307-801-15(1), delete the acronym ACWM and insert ASBESTOS WASTE.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1) (d) and 19-2-104(3)(r) through (t), 40 CFR Part 61 Subpart M, and 40 CFR Part 763 Subpart E

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The electronic notification system has been created from a grant from the federal EPA and with DAQ asbestos program fees. There will be small ongoing savings to DAQ, because notification forms will be stored electronically and not in paper files.

❖ LOCAL GOVERNMENTS: Local governments are not affected by this change because they do not conduct demolition or renovation projects that disturb asbestos.

❖ OTHER PERSONS: Electronic notification will be quicker, thus saving time and money for asbestos contractors. However, the amounts saved are not quantifiable. The other changes to the rule do not affect costs or savings, other than that making the rule language clearer will save time for affected persons. Again, this benefit is small and not quantifiable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Electronic notification will be quicker, thus saving time and money for asbestos contractors. However, the amounts saved are not quantifiable. The other changes to the rule do not affect costs or savings, other than making the rule language clearer will save time for affected persons. Again, this benefit is small and not quantifiable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Electronic notification saves time and money for the business community, and, in many cases, is also more convenient. Dianne Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/31/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/23/2006 at 2:00 PM, DEQ Building, Main Conference Room, 150 N 1950 W, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-801. Asbestos.
R307-801-12. Renovation and Demolition: Notification Procedures and Contents.

(1) All notifications required by R307-801 shall be submitted in writing on the appropriate form provided by the executive secretary and shall be postmarked or received by the Division by the date specified, or shall be submitted using the Division of Air Quality electronic notification system by the date specified. The type of notification and whether the notification is original or revised shall be indicated.

(2) If the notification is an original notification of demolition, an original asbestos notification for a NESHAP-[-]sized asbestos project, or an original annual notification, the written notice shall be sent with an original signature by U.S. Postal Service, commercial delivery service, or hand delivery, or with an electronic signature if submitted using the Division of Air Quality electronic notification system. If the U.S. Postal Service is used, the submission date is the postmark date. If other service or hand delivery is used, the submission date is the date that the document is received at the Division. If the Division of Air Quality electronic notification system is used, the submission date is the date that the notification is received by the Division.

(3) An original asbestos notification for a less than NESHAP-sized asbestos project or any revised notification may be submitted by any of the methods in (2), or by facsimile, by the date specified in R307-801-11. The sender shall ensure that the fax is legible.

(4) All original notifications shall contain the following information:

(a) The name, address, and telephone number of the owner of the structure, and of any contractor working on the project;

(b) Whether the operation is a demolition or a renovation project;

(c) A description of the structure that includes the size in square feet or square meters, the number of floors, the age, and the present and prior uses of the structure;

(d) The procedures, including analytical methods, used to inspect for the presence of ACM;

(e) The location and address, including building number or name and floor or room number, street address, city, county, state, and zip code of the structure being demolished or renovated;

(f) A description of procedures for handling the discovery of unexpected ACM or of nonfriable ACM that has become friable or regulated;

(g) A description of planned demolition or renovation work, including the demolition and renovation techniques to be used and a description of the affected structural components.

(5) In addition to the information in (4) above, an original demolition notification shall contain the following information:

(a) An estimate of the amount of non-friable and non-regulated ACM that will not become regulated as a result of demolition activities and that will remain in the building during demolition;

(b) The starting and ending dates of demolition activities; and

(c) If the structure will be demolished under an order of a state or local government agency, the name, title, and authority of the government representative ordering the demolition, the date the order was issued, and the date the demolition was ordered to commence. A copy of the order shall be attached to the notification.

(6) In addition to the information in (4) and (5) above, an original asbestos notification or an annual notification shall contain the following information:

(a) An estimate of the approximate amount of ACM to be stripped, including which units of measure were used;

(b) The scheduled starting and completion dates of asbestos removal work in a renovation or demolition;

(c) The beginning and ending dates for preparation and asbestos removal, and of renovation activities if applicable;

(d) If an emergency renovation operation will be performed, the date and hour the emergency occurred, a description of the event and an explanation of how the event has caused unsafe conditions or would cause equipment damage or unreasonable financial burden;

(e) A description of work practices and engineering controls to be used to prevent emissions of asbestos at the demolition or renovation work site;

(f) The name and location of the waste disposal site where the asbestos waste will be deposited, including the name and telephone number of the waste disposal site contact;

(g) The name, address, contact person, and phone number of the waste transporters; and

(h) The name, contact person, and phone number of the person receiving the waste shipment record as required by 40 CFR 61.150(d)(1).

(7) A revised notification shall contain the following information:

(a) The name, address, and telephone number of the owner of the structure, and any demolition or asbestos abatement contractor working on the project;

(b) Whether the operation is a demolition or a renovation project;

(c) The date that the original notification was submitted;

(d) The applicable original start and stop dates for asbestos removal, renovation, or demolition;

(e) Revised start and stop dates, if applicable, for asbestos removal or demolition activities;

(f) Changes in amount of asbestos to be removed, if applicable; and

(g) All other changes.

(8) If a NESHAP-sized asbestos project that requires a notification under (4) above or a demolition project that requires a notification under (4) above will commence on a date other than the date submitted in the original written notification, the executive secretary shall be notified of the new starting date by the following deadlines.

(a) If the new starting date is later than the original starting date, notice by telephone shall be given as soon as possible before the original starting date and a revised notice shall be submitted in accordance with R307-801-12(7) as soon as possible before, but no later than, the original starting date.

(b) If the new starting date is earlier than the original starting date, submit a written notice in accordance with R307-801-12(7) at least ten working days before beginning the project.

(c) In no event shall an asbestos project covered by this subsection begin on a date other than the new starting date submitted in the revised written notice.

R307-801-14. Renovation and Demolition: Asbestos Work Practices.

(1) Persons performing any asbestos project shall follow the work practices in this subsection. Where the work practices in R307-801-14(1) and (2) are required, wrap and cut, open top catch bags, glove bags, and mini-enclosures may be used in combination with those work practices.

(a) Adequately wet RACM with amended water before exposing or disturbing it.

(b) Install barriers and post warning signs to prevent access to the work area. Warning signs shall conform to the specifications of 29 CFR 1926.1101(k)(7).

(c) Keep RACM adequately wet until it is containerized and disposed of in accordance with R307-801-15.

(d) Ensure that RACM that is stripped or removed is promptly containerized.

(e) Prevent visible particulate matter and uncontainerized asbestos-containing debris and waste originating in the asbestos work area from being released outside of the negative pressure enclosure or designated work area.

(f) Filter all waste water to 5 microns before discharging it to a sanitary sewer.

(g) Decontaminate the outside of all persons, equipment and waste bags before they leave the work area.

(h) Apply encapsulant to RACM that is exposed but not removed during stripping.

(i) Clean the work area, drop cloths, and other interior surfaces of the enclosure using HEPA vacuum and wet cleaning techniques until there is no visible residue before dismantling barriers.

(j) After cleaning and before dismantling enclosure barriers, mist the space and surfaces inside of the enclosure with a penetrating encapsulant designed for that purpose.

(k) Handle and dispose of friable ACM or RACM according to the disposal provisions of R307-801.

(2) All operators of NESHAP-sized asbestos projects shall install a negative pressure enclosure using the following work practices.

(a) All openings to the work area shall be covered with at least one layer of 6 mil or thicker polyethylene sheeting sealed with duct tape or an equivalent barrier to air flow.

(b) If RACM debris is present, the site shall be prepared by removing the debris using the work practice and disposal requirements of R307-801. If the total amount of loose visible RACM debris throughout the entire work area is less than the SSSD amount, then site preparation may begin after notification and before the end of the ten working [-]day waiting period.

(c) All persons shall enter and leave the negative pressure enclosure or work area only through the decontamination unit.

(d) All persons subject to R307-801 shall shower before entering the clean-room of the decontamination unit when exiting the enclosure.

(e) No materials may be removed from the enclosure or brought into the enclosure through any opening other than a waste load-out or a decontamination unit.

(f) The negative pressure enclosure of the work area shall be constructed with the following specifications:

(i) Apply at least two layers of 6 mil or thicker polyethylene sheeting or its equivalent to the floor extending at least one foot up every wall and seal in place with duct tape or its equivalent;

(ii) Apply at least 2 layers of 4 mil or thicker polyethylene sheeting or its equivalent to the walls without locating seams in wall or floor corners;

(iii) Seal all seams with duct tape or its equivalent; and

(iv) Maintain the integrity of all enclosure barriers.

(v) Where a wall or floor will be removed as part of the asbestos project, polyethylene sheeting need not be applied to that component.

(g) View ports shall be installed in the enclosure or barriers where feasible. View ports shall be:

(i) At least one foot tall and one foot wide;

(ii) Made of clear material that is impermeable to the passage of air, such as an acrylic sheet;

(iii) Positioned so as to maximize the view of the inside of the enclosure from a position outside the enclosure; and

(iv) Accessible to a person outside of the enclosure.

(h) A decontamination unit shall be constructed according to the following specifications:

(i) The unit shall be attached to the enclosure or work area;

(ii) The decontamination unit shall consist of at least 3 chambers as specified by 29 CFR 1926.1101(j)(1);

(iii) The clean room, which is the chamber that opens to the outside, shall be no less than 3 feet wide by 3 feet long;

(iv) The dirty room, which is the chamber that opens to the negative pressure enclosure or the designated work area, shall be no less than 3 feet wide by 3 feet long;

(v) The dirty room shall be provided with an accessible waste bag at any time that asbestos work is being done.

(i) A separate waste load-out following the specifications below may be attached to the enclosure for removal of decontaminated waste containers and decontaminated or wrapped tools from the enclosure.

(i) The waste load-out shall consist of at least one chamber constructed of 6 mil or thicker polyethylene walls and 6 mil or thicker polyethylene flaps or the equivalent on the outside and inside entrances;

(ii) The waste load-out chamber shall be at least 3 feet long, 3 feet high, and 3 feet wide; and

(iii) The waste load-out supplies shall be sufficient to decontaminate bags, and may include a water supply with filtered drain, clean rags and clean bags.

(j) Negative air pressure and flow shall be established and maintained within the enclosure by:

(i) Maintaining four air changes per hour in the enclosure;

(ii) Routing the exhaust from HEPA filtered ventilation units to the outside of the structure whenever possible;

(iii) Maintaining a minimum of 0.02 column inches of water pressure differential relative to outside pressure; and

(iv) Maintaining a monitoring device to measure the negative pressure in the enclosure.

(3) In lieu of two layers of polyethylene on the walls and the floors as required by R307-801-(2)(f)(i) and (ii), the following work practices and controls may be used only under the circumstances described below:

(a) If an asbestos project is conducted in a crawl space or pipe chase and the available space is less that 6 feet high or is less than 3 feet wide, then the following may be used:

(i) Drop cloths extending at least 6 feet around all RACM to be removed, or extended to a wall and attached with duct tape or equivalent; and

(ii) Either glovebags, wrap and cut, or the open top catch bag method must be used. The open top catch bag method may be used only if the material to be removed is pre-formed RACM pipe insulation.

(b) Scattered ACM. If the RACM is scattered in small patches, such as isolated pipe fittings, the following procedures may be used.

(i) Glovebags, mini-enclosures as described in R307-801-14(5), or wrap and cut methods with drop cloths large enough to capture all RACM fragments that fall from the work area may be used.

(ii) If all asbestos disturbance is limited to the inside of negative pressure glovebags or mini-enclosure, then openings need not be sealed and negative pressure need not be maintained outside of the glovebags or mini-enclosure during the asbestos removal operation.

(iii) A remote decontamination unit may be used as described in R307-801-14(5)(d) only if an attached decontamination unit is not feasible.

(4) During outdoor asbestos projects, the work practices of R307-801-14[~~8~~] shall be followed, with the following modifications:

(a) Negative pressure need not be maintained if there is not an enclosure;

(b) Six mil polyethylene or equivalent drop cloth large enough to capture all RACM fragments that fall from the work area shall be used; and

(c) A remote decontamination unit as described in R307-801-14(5)(d) may be used.

(5) Special work practices.

(a) If the wrap and cut method is used:

(i) The component shall be cut at least 6 inches from any RACM on that component;

(ii) If asbestos will be removed from the component to accomodate cutting, the asbestos removal shall be done using a single glove bag for each cut, and no RACM shall be disturbed outside of a glove bag;

(iii) The wrapping shall be leak tight and shall consist of two layers of 6 mil polyethylene, each individually sealed with duct tape, and all RACM between the cuts shall be sealed inside wrap; and

(iv) The wrapping shall remain intact and leak-tight throughout the removal and disposal process.

(b) If the open top catch bag method is used:

(i) Asbestos waste bags that are leak tight and strong enough to hold contents securely shall be used;

(ii) The bag shall be placed underneath the stripping operation to minimize ACM falling onto the drop cloth;

(iii) All material stripped from the component shall be placed in the bag;

(iv) One worker shall hold the bag and another worker shall strip the ACM into the bag; and

(v) A drop cloth large enough to capture all RACM originating in the work area shall be used.

(c) If glove bags are used, they shall be negative pressure, and the procedures required by 29 CFR 1926.1101(g)(5) shall be followed.

(d) A remote decontamination unit may be used under the conditions set forth in R307-801-14(3)(b) or (4), or when approved by the executive secretary. The remote decontamination unit and procedures shall include:

(i) Outerwear shall be HEPA vacuumed or removed, and additional clean protective outerwear shall be put on;

(ii) Either polyethylene sheeting shall be placed on the path to the decontamination unit and the path shall be blocked or taped off to prevent public access, or workers shall be conveyed to the remote decontamination unit in a vehicle that has been lined with two layers of 6 mil or thicker polyethelene sheeting or its equivalent; and

(iii) The polyethylene path or vehicle liner shall be removed at the end of the project, and disposed of as asbestos waste.

(e) Mini-enclosures, when used under approved conditions, shall conform to the requirements of 29 CFR 1926.1101(g)(5)(vi).

R307-801-15. Disposal and Handling of Asbestos Waste.

(1) Containerize asbestos waste[~~ACWM~~] while adequately wet.

(2) Asbestos waste containers shall be leak-tight and strong enough to hold contents securely.

(3) Containers shall be labeled with the waste generator's name, address, and phone number, and the contractor's name and address, before they are removed from the work area.

(4) Containerized RACM shall be disposed of at a landfill which complies with 40 CFR 61.150.

(5) The waste shipment record shall include a list of items and the amount of asbestos waste being shipped. The waste generator originates and signs this document.

KEY: air pollution, asbestos, asbestos hazard emergency response[~~*~~], schools

Date of Enactment or Last Substantive Amendment: [~~August 1, 2000~~]2006

Notice of Continuation: April 23, 2002

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d); 19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part 763, Subpart E

State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

MEMORANDUM

TO: Air Quality Board

THROUGH: Rick Sprott

FROM: Robert Grandy

DATE: May 5, 2006

SUBJECT: Propose for Public Comment: Amend R307-415-4(2), Operating Permits – Source Category Exemptions - Addition of Five Area Source Exemptions

On December 19, 2005, notice was published in the Federal Register (70 FR 75319) granting an exemption to certain area sources from Title V Operating Permit Programs. The exemptions were promulgated in each individual Part 63 Subpart. The area sources that were granted exemption are those subject to the following Federal requirements:

1. National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (40 CFR Part 63, Subpart M);

2. National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 CFR Part 63, Subpart N);

3. Ethylene Oxide Emissions Standards for Sterilization Facilities (40 CFR Part 63, Subpart O);

4. National Emission Standards for Halogenated Solvent Cleaning (40 CFR Part 63, Subpart T);

5. National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production (40 CFR Part 63, Subpart RRR).

Staff recommendation: Staff recommends that revisions to R307-415-4(2), as attached, be proposed for public comment.

R307. Environmental Quality, Air Quality.
R307-415. Permits: Operating Permit Requirements.
R307-415-4. Applicability.

(1) Part 70 sources. All of the following sources are subject to the permitting requirements of R307-415, and unless exempted under (2) below are required to submit an application for an operating permit:

(a) Any major source;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(c) Any source, including an area source, subject to a standard or other requirement under Section 112 of the Act, Hazardous Air Pollutants, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Act, Prevention of Accidental Releases;

(d) Any Title IV affected source.

(2) [~~Source category e~~]Exemptions.[~~- The following source categories are exempted from the requirement to obtain an operating permit.~~]

(a) All[~~- sources and~~] source categories that would be required to obtain an operating permit solely because they are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters, are exempted from the requirement to obtain a permit.[~~,~~]

(b) All [~~sources and -~~]source categories that would be required to obtain an operating permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation, are exempted from the requirement to obtain a permit. For Part 70 sources, demolition and renovation activities within the source under 40 CFR 61.145 shall be treated as a separate source for the purpose of R307-415.

(c) Certain area sources have been exempted from the requirement to obtain an operating permit under a subpart of 40 CFR Part 63. These include:

(i) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;

(ii) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;

(iii) 40 CFR Part 63, Subpart O, Ethylene Oxide Emission Standards for Sterilization Facilities;

(iv) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning;

(v) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

(3) Emissions units and Part 70 sources.

(a) For major sources, the Executive Secretary shall include in the permit all applicable requirements for all relevant emissions units in the major source.

(b) For any area source subject to the operating permit program under R307-415-4(1) or (2), the Executive Secretary shall include in the permit all applicable requirements applicable to emissions units that cause the source to be subject to the operating permit program.

(4) Fugitive emissions. Fugitive emissions and fugitive dust from a Part 70 source shall be included in the permit application and the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of source categories contained in the definition of major source.

(5) Control requirements. R307-415 does not establish any new control requirements beyond those established by applicable requirements, but may establish new monitoring, recordkeeping, and reporting requirements.

(6) Synthetic minors. An existing source that wishes to avoid designation as a major Part 70 source under R307-415, must obtain federally-enforceable conditions which reduce the potential to emit, as defined in R307-101-2, to less than the level established for a major Part 70 source. Such federally-enforceable conditions may be obtained by applying for and receiving an approval order under R307-401. The approval order shall contain periodic monitoring, recordkeeping, and reporting requirements sufficient to verify continuing compliance with the conditions which would reduce the source's potential to emit.

KEY: air pollution, environmental protection, operating permit, emission fee
Date of Enactment or Last Substantive Amendment: [~~August 3, 2004~~]2006
Notice of Continuation: February 9, 2004
Authorizing, and Implemented or Interpreted Law: 19-2-109.1; 19-2-104

State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

MEMORANDUM

TO: Air Quality Board

THROUGH: Rick Sprott, Executive Secretary

FROM: Mat Carlile and Jan Miller, Rules Coordinators

DATE: June 1, 2006

SUBJECT: Five-Year Review
R307-101, *General Requirements*;
R307-110, *General Requirements: State Implementation Plan;*
R307-401, *Permits: Notice of Intent and Approval Order;*
R307-405, *Permits: Major Sources in Attainment or Unclassified Areas (PSD)*; R307-410, *Permits: Emission Impact Analysis*;
R307-210, *Standards of Performance for New Stationary Sources (NSPS);*
R307-223, *Emission Standards: Existing Small Municipal Waste Combustors;* R307-801, *Asbestos.*

All state agencies are required by the Utah Administrative Rulemaking Act (Title 63, Chapter 46a) to review each of their rules at least every fifth year. Because the statute defines "agency" as the state board or other entity that is authorized by statute to make rules, the responsibility to complete the review falls to the Air Quality Board.

At the end of the review, the agency must file a notice with the Division of Administrative Rules indicating its intent to continue, amend, or repeal the rule. To continue the rule, the agency must address the requirements in 63-46a-9(3)(a) that are listed on the attached forms. If the agency does not file the form on time, the rule automatically expires, as provided in 63-46a-9(8). Nothing in the review process makes any change in the rule text; if the agency wishes to amend or repeal the rule, a separate action is required under the regular rulemaking procedures (public notice, public comment, and final Board adoption).

DAQ staff has assembled the review package for all the rules recently amended and replaced. Five of the attached rules were recently amended or replaced as part of the New Source Review (NSR) reform process,

and two others also were recently amended. Finally, it has been five years since R307-223 was adopted and its review is due in September.

Staff have reviewed these rules and determined that they meet the requirements of 63-46a-9(3)(a).

NSR Reform Rules
R307-101, *General Requirements*. Next review is due June 5, 2008. This rule includes definitions used throughout other R307 rules.

R307-110, *General Requirements: State Implementation Plan.* Next review is due September 8, 2010. This rule incorporates by reference the various sections and parts of the State Implementation Plan. Staff had previously decided to seek review each time this rule is updated, so that the review is not too extensive,

R307-401, *Permits: Notice of Intent and Approval Order.* The next review is due August 11, 2008. Because this rule was totally re-written as part of the NSR reform package, now is a good time for review.

R307-405, *Permits: Major Sources in Attainment or Unclassified Areas (PSD).* The next review is due August 11, 2008. Because this rule was totally re-written as part of the NSR reform package, now is a good time for review.

R307-410, *Permits: Emission Impact Analysis*. The next review is due August 11, 2008. This rule was substantially amended as part of the NSR reform package, and now is a good time for review.

Other Rules
R307-210, *Standards of Performance for New Stationary Sources (NSPS).* The next review is due August 15, 2006. In an earlier item in the packet the Board is asked to adopt changes to R307-210. Those changes bring the rule up to date with federal actions.

R307-223, *Emission Standards: Existing Small Municipal Waste Combustors.* The next review is due September 10, 2006. This rule was adopted in 2001 to implement the requirements of 40 CFR Part 60, Subpart BBBB, which requires that states regulate existing small municipal waste incinerators to ensure they comply with emission limits for multiple pollutants including such hazardous pollutants as cadmium, mercury, dioxins, and furans.

R307-801, A*sbestos.* The next review is due April 23, 2007. In an earlier item in the packet the Board is asked to adopt changes to R307-801. Those changes included minor corrections throughout the rule.

Staff Recommendation: Staff recommends that the Board continue R307-101, R307-110, R307-210, R307-223, R307-401, R307-405, R307-410, and R307-801 by approving the attached forms to be filed with the Division of Administrative Rules.

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-101	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Jan Miller	801-536-4042	801-536-0085	janmiller@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
General Requirements

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
Subsection 19-2-104(1)(a) states that the Air Quality Board may make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source." R307-101 includes a general introduction to air quality rules in Utah in Section 1. Section 2 includes definitions used throughout all other R307 rules. Definitions are an important part of the rules to control, abate, and prevent air pollution and thus are authorized by 19-2-104.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: No comments have been received outside the comment period when R307-101 has been amended. The rule has been revised five times since its last review on June 5, 2003: 1) DAR #26651, published October 1, 2003. No comments were received. 2) DAR #27755, published April 1, 2005. Several comments were received from the Environmental Protection Agency (EPA). EPA noted that there is no provision in the Clean Air Act for the definition of "Baseline Date" that was proposed for public comment; the Board kept the definition as it was proposed, because the EPA definition does not protect air quality in areas that are moving from nonattainment to attainment. EPA also requested that Utah provide a description of the term "EPA Method 9"; in response, DAQ pointed out that Method 9 is a federal reference test method delineated in 40 CFR Part 60, and is incorporated by reference in R307-210. 3) DAR #27818, published May 1, 2005; no comments were received. 4) DAR# 28029, published July 1, 2005; no comments were

	received. 5) DAR# 28545, published April 1, 2006; no comments were received.
5.	**A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:** Many of the terms defined in R307-101-2 are used in more than one other R307 rule. Without the definitions, the other rules would be meaningless. It is essential that R307-101 be continued.
6.	**Indexing information - keywords (maximum of four, in lower case):** air pollution, definitions
7.	**Attach an RTF document containing the text of this rule change (filename):** There is currently a document associated with this filing. Rule Text
To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.	

AGENCY AUTHORIZATION

Agency head or designee, and title:	Heying, M. Cheryl Planning Branch Manager	**Date** (mm/dd/yyyy):	6/1/2006

Non Printable

M. Cheryl Heying 5-25-06

R307. Environmental Quality, Air Quality.
R307-101. General Requirements.
R307-101-1. Foreword.

Chapter 19-2 and the rules adopted by the Air Quality Board constitute the basis for control of air pollution sources in the state. These rules apply and will be enforced throughout the state, and are recommended for adoption in local jurisdictions where environmental specialists are available to cooperate in implementing rule requirements.

National Ambient Air Quality Standards (NAAQS), National Standards of Performance for New Stationary Sources (NSPS), National Prevention of Significant Deterioration of Air Quality (PSD) standards, and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) apply throughout the nation and are legally enforceable in Utah.

R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The Executive Secretary shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The Executive Secretary may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the executive secretary, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the executive secretary if the executive secretary determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-8.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Asphalt or Asphalt Cement" means the dark brown to black cementitious material (solid, semisolid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Board" means Air Quality Board. See Section 19-2-102(6)(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device

containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Chargeable Pollutant" means any regulated air pollutant except the following:

(1) Carbon monoxide;

(2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;

(3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Clean Air Act" means federal Clean Air Act as amended in 1990.

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project. "Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is provided by the National Weather Service.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has all necessary pre-construction approvals or permits and either has:

(1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Compliance Schedule" means a schedule of events, by date, which will result in compliance with these regulations.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air contaminant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Section 19-1-103(1).

"Electric Utility Steam Generating Unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

"Emissions Information" means, with reference to any source operation, equipment or control apparatus:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air contaminant which has been emitted by the source operation, equipment, or control apparatus;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air contaminant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and

(3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

"Emission Limitation" means a requirement established by the Board or the Administrator, EPA, which limits the quantity, rate or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction (Section 302(k)).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40

CFR Parts 60 and 61, requirements within the State Implementation Plan and R307, any permit requirements established pursuant to 40 CFR 52.21 or R307-401.

"EPA" means Environmental Protection Agency.

"EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9,"Visual Determination of Opacity of Emissions from Stationary Sources," and Alternate 1, "Determination of the opacity of emissions from stationary sources remotely by LIDAR."

"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Section 19-1-103(2).

"Executive Secretary" means the Executive Secretary of the Board.

"Existing Installation" means an installation, construction of which began prior to the effective date of any regulation having application to it.

"Facility" means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

"Fireplace" means all devices both masonry or factory built units (free standing fireplaces) with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft reducing doors with a net thermal efficiency of no greater than twenty percent and are used for aesthetic purposes.

"Fugitive Dust" means particulate, composed of soil and/or industrial particulates such as ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of 4 pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Heavy Fuel Oil" means a petroleum product or similar material with a boiling range higher than that of diesel fuel.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

"LPG" means liquified petroleum gas such as propane or butane.

"Maintenance Area" means an area that is subject to the provisions of a maintenance plan that is included in the Utah state implementation plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

(a) The following areas are considered maintenance areas for ozone:

(i) Salt Lake County, effective August 18, 1997; and

(ii) Davis County, effective August 18, 1997.

(b) The following areas are considered maintenance areas for carbon monoxide:

(i) Salt Lake City, effective March 22, 1999;

(ii) Ogden City, effective May 8, 2001; and

(iii) Provo City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on March 31, 2004.

(c) The following areas are considered maintenance areas for PM10:

(i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and

(ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and

(iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005.

(d) The following areas are considered maintenance areas for sulfur dioxide:

(i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005; and

(ii) the eastern portion of Tooele County above 5600 feet.

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation shall not include:

(1) routine maintenance, repair and replacement;

(2) use of an alternative fuel or raw material by

reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a source:

(a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or

(b) which the source is otherwise approved to use;

(6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;

(7) any change in ownership at a source

(8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the executive secretary determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(a) when the executive secretary has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and

(b) the executive secretary determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

(9) the installation, operation, cessation, or removal of a temporary clean coal demonstration project, provided that the project complies with:

(a) the Utah State Implementation Plan; and

(b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:

(1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or

(a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or

(b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or

(c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.

(2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;

(3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum or reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

(x) Glass fiber processing plants;

(y) Charcoal production plants;

(z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emission.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal Regulations, Part 50).

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

(1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and

(2) any other increases and decreases in actual

emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":

(a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.

(b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.

(c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is enforceable at and after the time that actual construction on the particular change begins; and

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation, construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means an area designated by the Environmental Protection Agency as nonattainment under Section 107, Clean Air Act for any National Ambient Air Quality Standard. The designations for Utah are listed in 40 CFR 81.345.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on such source by these regulations and/or the State Implementation Plan.

"Opacity" means the capacity to obstruct the transmission of light, expressed as percent.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Peak Ozone Season" means June 1 through August 31, inclusive.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

(1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

(2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;

(3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment,

source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Production Equipment Exhaust System" means a device for collecting and directing out of the work area VOC fugitive emissions from reactor openings, centrifuge openings, and other vessel openings for the purpose of protecting employees from excessive VOC exposure.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;

(2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the Clean Air Act.

"Reactor" means any vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, such as garbage and trash.

"Regulated air pollutant" means any of the following:

(a) Nitrogen oxides or any volatile organic compound;

(b) Any pollutant for which a national ambient air quality standard has been promulgated;

(c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;

(e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(2) The executive secretary shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 49 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of unit, (or a different consecutive two-year period within 10 years after that change, where the executive secretary determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the executive secretary shall:

(1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less

than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);
Nitrogen oxides: 40 tpy;
Sulfur dioxide: 40 tpy;
PM10: 15 tpy;
Particulate matter: 25 tpy;
Ozone: 40 tpy of volatile organic compounds;
Lead: 0.6 tpy.

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Synthesized Pharmaceutical Manufacturing" means the manufacture of pharmaceutical products by chemical synthesis.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV- C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Volatile Organic Compound (VOC)" as defined in 40 CFR 51.100(s)(1), as effective on July 1, 2004, and amended on November 29, 2004, by 69 FR 69290 and 69 FR 69298, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter

readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

KEY: air pollution, definitions
Date of Enactment or Last Substantive Amendment: June 16, 2006
Notice of Continuation: June 5, 2003
19-2-104

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-110	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Jan Miller	801-536-4042	801-536-0085	janmiller@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
General Requirements: State Implementation Plan

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
19-2-104(3)(e) states that the Air Quality Board may "prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in the state." Each section of R307-110 incorporates by reference such a plan.

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** No comments have been received outside the comment period when R307-110 has been amended. The rule has been amended once since its last review; DAR# 28545 was published on April 1, 2006, and no comments were received.

5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
The federal Clean Air Act requires states to adopt and enforce plans to reduce air pollution to levels that meet federal health standards, and to maintain those protective levels. If a state fails to adopt and enforce such a plan, then the federal government imposes a federal plan. Utah has preferred to adopt its own locally-developed plans, and to incorporate them by reference into Utah's rules in order that the plans are enforceable. Therefore, it is crucial that R307-110 be continued, so that requirements of the plans are enforceable.

6. **Indexing information - keywords (maximum of four, in lower case):**
PM10, air pollution, PM2.5, ozone

7. **Attach an RTF document containing the text of this rule change (filename):**

There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:	M. Cheryl Heying Planning Branch Manager	**Date** (mm/dd/yyyy):	6/1/2006

Non Printable

M. Cheryl Heying 5/25/06

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-1. Incorporation by Reference.

To meet requirements of the Federal Clean Air Act, the Utah State Implementation Plan must be incorporated by reference into these rules. Copies of the Utah State Implementation Plan are available at the Utah Department of Environmental Quality, Division of Air Quality.

R307-110-2. Section I, Legal Authority.

The Utah State Implementation Plan, Section I, Legal Authority, as most recently amended by the Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-3. Section II, Review of New and Modified Air Pollution Sources.

The Utah State Implementation Plan, Section II, Review of New and Modified Air Pollution Sources, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-4. Section III, Source Surveillance.

The Utah State Implementation Plan, Section III, Source Surveillance, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-5. Section IV, Ambient Air Monitoring Program.

The Utah State Implementation Plan, Section IV, Ambient Air Monitoring Program, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-6. Section V, Resources.

The Utah State Implementation Plan, Section V, Resources, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-7. Section VI, Intergovernmental Cooperation.

The Utah State Implementation Plan, Section VI, Intergovernmental Cooperation, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-8. Section VII, Prevention of Air Pollution Emergency Episodes.

The Utah State Implementation Plan, Section VII, Prevention of Air Pollution Emergency Episodes, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-9. Section VIII, Prevention of Significant Deterioration.

The Utah State Implementation Plan, Section VIII, Prevention of Significant Deterioration, as most recently amended by the Utah Air Quality Board on March 8, 2006, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, as most recently amended by the Utah Air Quality Board on July 6, 2005, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-11. Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide, as most recently amended by the Utah Air Quality Board on January 5, 2005, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide, as most recently amended by the Utah Air Quality Board on November 3, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on September 9, 1998, pursuant to Section 19-2-104, is hereby incorporated by reference

and made a part of these rules.

R307-110-14. Section IX, Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-15. Section IX, Control Measures for Area and Point Sources, Part F, Lead.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part F, Lead, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-16. (Reserved.)

Reserved.

R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits, as most recently amended by the Utah Air Quality Board on July 6, 2005, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-18. Reserved.

Reserved.

R307-110-19. Section XI, Other Control Measures for Mobile Sources.

The Utah State Implementation Plan, Section XI, Other Control Measures for Mobile Sources, as most recently amended by the Utah Air Quality Board on February 9, 2000, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-20. Section XII, Involvement.

The Utah State Implementation Plan, Section XII, Involvement, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-21. Section XIII, Analysis of Plan Impact.

The Utah State Implementation Plan, Section XIII, Analysis of Plan Impact, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-22. Section XIV, Comprehensive Emission Inventory.

The Utah State Implementation Plan, Section XIV, Comprehensive Emission Inventory, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-23. Section XV, Utah Code Title 19, Chapter 2, Air Conservation Act.

Section XV of the Utah State Implementation Plan contains Utah Code Title 19, Chapter 2, Air Conservation Act.

R307-110-24. Section XVI, Public Notification.

The Utah State Implementation Plan, Section XVI, Public Notification, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-25. Section XVII, Visibility Protection.

The Utah State Implementation Plan, Section XVII, Visibility Protection, as most recently amended by the Utah Air Quality Board on March 26, 1993, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-26. R307-110-26 Section XVIII, Demonstration of GEP Stack Height.

The Utah State Implementation Plan, Section XVIII, Demonstration of GEP Stack Height, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-27. Section XIX, Small Business Assistance Program.

The Utah State Implementation Plan, Section XIX, Small Business Assistance Program, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-28. Regional Haze.

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the

Utah Air Quality Board on May 5, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-29. Section XXI, Diesel Inspection and Maintenance Program.

The Utah State Implementation Plan, Section XXI, Diesel Inspection and Maintenance Program, as most recently amended by the Utah Air Quality Board on July 12, 1995, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-30. Section XXII, General Conformity.

The Utah State Implementation Plan, Section XXII, General Conformity, as adopted by the Utah Air Quality Board on October 4, 1995, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, as most recently amended by the Utah Air Quality Board on March 31, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County, as most recently amended by the Utah Air Quality Board on February 5, 1997, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-33. Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County, as most recently amended by the Utah Air Quality Board on October 6, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-34. Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, as most recently amended by the Utah Air Quality Board on March 31, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-35. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County, as most recently amended by the Utah Air Quality Board on November 3, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone
Date of Enactment or Last Substantive Amendment: June 16, 2006
Notice of Continuation: September 8, 2005
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no: Date filed:

Utah Admin. Code ref. (R no.): R307-401 Time filed:

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
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   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Jan Miller	801-536-4042	801-536-0085	janmiller@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
Permits: Notice of Intent and Approval Order.

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
19-2-108 states that "The board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." R307-401 sets forth the requirements that the owner or operator of a source of air pollution must address in giving notice to the executive secretary.

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** See email file sent separately.

5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
As specified in 19-2-108, the Air Quality Board shall require that a new or modifying source of air pollution notify the executive secretary when intending to construct a new source or modify and existing source. R307-401 is the Board's rule to require the notice, specify its contents, and determine the timetable for the executive secretary's response to that notice.

6. **Indexing information - keywords (maximum of four, in lower case):**
air pollution, permits, approval order

7. **Attach an RTF document containing the text of this rule change (filename):**

There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:	M. Cheryl Heying Planning Branch Manager	**Date** (mm/dd/yyyy):	6/1/2006

Non Printable

M. Cheryl Heying
5-25-06

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:**
No comments have been received outside the comment period when R307-401 has been amended. The only amendment since the last review was a Repeal and Re-enact, DAR# 28325, published in the Utah State Bulletin on December 1, 2005; many comments were received at that time and are included here. COMMENT 1): Some of the permitting definitions that are currently located in R307-101-2 have been moved to R307-401. Changes were made to those definitions that could affect the scope of the rule. The purpose of these changes is not clear. It is also not clear why corresponding definitions were not changed in R307-101-2. It is confusing to have slightly different definitions in the two rules. RESPONSE: One of the goals of the rewrite of R307-401 was to separate requirements that are part of Utah's comprehensive new source review program (minor NSR) from those that are coming from the federal major source NSR program (major NSR). In general, R307-401 uses terms that were adopted as part of the major NSR program so that there is some consistency within the permitting program. The major NSR terms have been used for the broader range of sources and pollutants that are covered under the minor NSR program. The proposed changes to definitions mirror UDAQ's current interpretation of R307-401 as it applies to the minor NSR program, and the changes reflect the broader applicability of the minor NSR program. There were some changes to the definitions to better reflect how these terms have been used in the minor NSR program. UDAQ does not believe that these changes in definitions will affect how the minor NSR program has been historically implemented. In addition, when these definitions were moved to 401 they were realigned with the major NSR definitions whenever possible. Over the years, UDAQ's definitions that were originally based on the federal definitions have been modified to improve grammar or readability. Because the PSD permitting program in R307-405 will now incorporate the federal definitions by reference, UDAQ believed that it was important to match those definitions, to the degree possible, with the corresponding definitions in R307-401. This is important because the minor source and major source programs must operate in parallel. UDAQ does not believe that these changes will affect how the minor NSR program has historically been implemented. The comments and responses on specific definitions follow: a) "Actual emissions" – The term "pollutant" was changed to "air contaminant" thereby increasing the scope of the definition. The reference to a two-year period was changed to a 24-month period. The provisions that apply to electric utility steam generating units were removed. RESPONSE: These changes do not affect how the rule is implemented. A modification requires PSD review if the increase in actual emissions is significant. For this reason, the term "actual emissions" is very critical to the PSD program. However, under the minor NSR program, the term "actual emissions" is not used to determine whether a modification requires an approval order. Instead, R307-401 requires an approval order if a change is made that "will or might reasonably be expected to increase the amount of or change the effect of, or the character of, air contaminants discharged..." The term "actual emissions" is used only to determine when a source is considered "de minimis" (see proposed R307-401-9). Within this context, language that is specific to electric utility steam generating units and to pollutants that are regulated under the Clean Air Act has no meaning, and was therefore removed from the definition as part of the overall rule clean up. The final point raised about the change from two year period to 24-month period will have no effect within the context of determining if a source is de minimis because a source must continue to stay below the cutoff level in the future to maintain its status as a de minimis source. b) "Construction" – the definition has minor editorial changes. Why are these changes made here and not in the corresponding definition in R307-101? RESPONSE: As described above, the changes were made to align the definition with the language that is incorporated by reference in the PSD rule. The changes were not made to the corresponding definition in R307-101-2 because that definition

applies to the major NSR program for nonattainment areas in R307-403. UDAQ has delayed revisions to R307-403 because any changes to that rule are complicated by uncertainties of how NSR will apply for the new NAAQS. UDAQ plans to bring R307-403 to the Board at a later date to address the NSR reform provisions and the new NAAQS and will review the definitions in R307-101-2 at that time to make them consistent with the federal language. c) "Emissions unit" – the definition was changed to refer to emissions of "air contaminants" rather than "pollutants subject to regulation under the Clean Air Act." This expands the scope of the definition. RESPONSE: R307-401 applies broadly to "installations" that emit air contaminants. The term "emissions unit" is used in definitions that were adopted as part of the PSD program. UDAQ has never interpreted the reference to pollutants regulated under the Clean Air Act to limit the applicability of the minor NSR program that comes directly from the Utah Air Conservation Act. The change merely clarifies how the definition has been used for the minor NSR program. d) "Fugitive emissions" – the definition has been narrowed to include only emissions which could not reasonably pass through a stack. The current definition describes fugitive emissions as "emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack..." RESPONSE: The definition was changed to match the language that is incorporated in the PSD rule. Within the context of R307-401, there is no change in the implementation of the rule because of how the term is used. e) "Potential to emit" - the definition was changed to refer to emissions of "air contaminants" rather than "pollutants subject to regulation under the Clean Air Act." This expands the scope of the definition. RESPONSE: R307-401 applies broadly to "installations" that emit air contaminants. The term potential to emit is used in definitions that were adopted as part of the PSD program. UDAQ has never interpreted the reference to pollutants regulated under the Clean Air Act to limit the applicability of the minor NSR program that comes directly from the Utah Air Conservation Act. The change merely clarifies how the definition has been used for the minor NSR program. f) "Secondary emissions" – the definition was changed to remove language that "secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions." This expands the scope of the definition. RESPONSE The definition was changed to match the definition that was incorporated by reference in the PSD rule. The specific language described above came originally from the major NSR rule for nonattainment areas. It is not clear why this definition is different in that rule. However, in the context of R307-401 there is no effect on how the program is implemented because the term "secondary emissions" is used only in the definition of potential to emit, that states "Secondary emissions do not count in determining the potential to emit of a stationary source." Within this context, aligning the definition with the PSD definition does not change how the rule is implemented. g) "Best available control technology" and "indirect source" – these definitions had minor revisions. RESPONSE: The definitions were aligned with the definitions in the PSD rule. The changes were very minor and do not affect implementation of the rule. h) "Stationary source" and "building, structure, facility, or installation" - these are new definitions. They refer to air contaminants and would expand the scope of the rule. RESPONSE: R307-101-2 contains a definition for the term "source" that combines the two terms "stationary source" and "building, structure, facility, or installation" that are used in the PSD rule. In this rulemaking, the terms were separated to match the PSD rule, and this does not affect the usage of these terms. R307-401 clearly applies to installations that emit "air contaminants" rather than being limited to pollutants that are regulated under the Clean Air Act. The applicability language comes directly from the Utah Air Conservation Act. The PSD program, on the other hand, applies only to the narrower group of pollutants. UDAQ has used this broader authority in the minor NSR program to regulate air contaminants that would have a local impact, but are not yet addressed nationally. UDAQ recommends making some changes to the proposed language in R307-401 to clarify that an approval order is required for "installations" rather than "stationary sources" to conform with the language in the Utah Air Conservation Act.

This will ensure that the proposed rule change does not inadvertently change the applicability language that is currently used in R307-401. 2) COMMENT: In a number of places in proposed R307-401 and R307-405, when specifying what the executive secretary is to do, the term "shall" has been replaced by the term "will." Does this imply that the executive secretary is not required to take the actions specified in the rule? RESPONSE: The term was changed to reflect the legal authority of the rule. The State cannot regulate itself, and therefore the use of the term "shall" is not appropriate and does not have any greater meaning than the term "will." The rules are intended to regulate sources. However, it is important to describe in the rule how the executive secretary will review applications, seek public comment, etc. If the executive secretary does not follow the process established in the rule, there is not an enforcement action (penalties, etc.) against the executive secretary. However, the underlying statutes (Air Conservation Act, Administrative Procedures Act, etc.) would govern the actions of the State. If the language was adopted into the federal SIP, then EPA could also take action against the State, such as withdrawing approval of the permitting program. If the executive secretary does not follow the established procedures, then any action could be challenged as being an arbitrary implementation of the rule. So, in summary, the terms were changed to better reflect the legal authority of the rule, but the use of the term "will" does not change the legal obligation of the executive secretary to follow the established procedures. 3) COMMENT: In proposed R307-401-14(3), "his representative" should be changed to the "executive secretary's representative," consistent with many other parts of the rules. RESPONSE: The change has been made as recommended. 4) COMMENT: Cross references in R307-401-15(1)(b) and R307-401-16(2) need to be corrected. RESPONSE: The change has been made as recommended. 5) COMMENT: References to temporary relocation in R307-401-9(4) and R307-401-17 (last sentence) need to be updated from R307-401-16 to R307-401-17. RESPONSE The change has been made as recommended. 6) COMMENT: The requirement in current R307-401-4 to send a copy of the NOI to EPA, local officials, FLMs or Indian Governing Bodies has been removed. RESPONSE: The language referenced by the commentor came from the PSD SIP requirements in 40 CFR 51.166(q) and has been incorporated by reference into R307-405-18. Although the language applied broadly to all NOIs in the current rule, in practice UDAQ has not followed this procedure for minor sources and minor modifications. With the change in the rule, the minor NSR program will operate under Utah public review and comment procedures. There will be no change to the current public notification practices. 7) COMMENT: Utah needs to clarify whether removing the requirement for Board approval of permits that consume more than 50% of the increment would impact maintenance of the PSD increments and to state that the provisions is not required by federal regulations. RESPONSE: The current provision in R307-401-6(3) that requires approval by the Board for a permit that consumes more than 50% of the increment is not required by federal regulations. Removing this provision will not affect maintenance of the PSD increments because 40 CFR 52.21(k), incorporated by reference in R307-405-12, requires that the proposed source or modification would not cause or contribute to air pollution in violation of the increment. Approval by the Board was an additional administrative step that did not directly affect the amount of increment consumed by a project. 8) COMMENT: The current rule does not allow a small source exemption for any source that has a potential to emit that would make it a major stationary source. It appears that this provision provides a necessary limit on sources eligible for the exemption and should be retained. RESPONSE: The small source exemption in the proposed R307-401-9 applies to sources with actual emissions that are less than 5 tons/year for any air contaminant or 500 pounds/year of any HAP. These levels are well below the 100 tons/year PTE cutoff for major sources as defined in R307-101-2. It is unlikely that a source with such low actual emissions would have a high PTE. However, if such a source did exist, R307-401-9 requires the source to submit a NOI within 6 months if the source emits more than 5 tons/year of any air contaminant in any year. In addition, the major source permitting requirements in R307-405 and R307-403 are not affected by this exemption, so a major source or

major modification would still be required to obtain a permit. The reference to major sources was removed from the small source exemption because it did not provide any added regulatory value, and the definition of major source is complex. 9) COMMENT: EPA recommends that small source exemption registry be made mandatory instead of voluntary to maintain an accurate registry and emissions inventory. RESPONSE: The small source registry is essentially a list of all of the sources that are not required to receive an approval order. Under Utah's statute, any source of air pollution could potentially be required to obtain an approval order, but UDAQ has never required extremely small sources, such as an auto parts degreaser at a repair shop or a homeowner's lawnmower, to obtain an approval order. It is not possible to maintain a complete registry because the list of sources would range from those with 4.99 tons/year of emissions to those with 1 pound/year of emissions. EPA does not require a similar registry for national programs. Instead, the national programs focus on the sources that meet the applicability requirements. Under Utah's rules, and national regulations, a source faces enforcement action if they do not comply with a rule if they meet the applicability requirements. UDAQ has maintained a registry in the non-attainment area, even though it is not complete. However, the registry has been useful for compliance staff because they can determine whether an applicability review has already been completed for a source. UDAQ has found that many sources in attainment areas are already requesting documentation from UDAQ that they qualify for the small source exemption for their own tracking purposes. UDAQ believes that sources will continue to voluntarily register with the state to avoid unnecessary compliance scrutiny, and we will no longer have a regulatory requirement that is not practicably enforceable for very small sources.

R307. Environmental Quality, Air Quality.
R307-401. Permit: New and Modified Sources.
R307-401-1. Purpose.

This rule establishes the application and permitting requirements for new installations and modifications to existing installations throughout the State of Utah. Additional permitting requirements apply to larger installations or installations located in nonattainment or maintenance areas. These additional requirements can be found in R307-403, R307-405, R307-406, R307-420, and R307-421. Modeling requirements in R307-410 may also apply. Each of the permitting rules establishes independent requirements, and the owner or operator must comply with all of the requirements that apply to the installation. Exemptions under R307-401 do not affect applicability of the other permitting rules.

R307-401-2. Definitions.

(1) The following additional definitions apply to R307-401.

"Actual emissions" (a) means the actual rate of emissions of an air contaminant from an emissions unit, as determined in accordance with paragraphs (b) through (d) below.

(b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the air contaminant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The executive secretary shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(c) The executive secretary may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each air contaminant which would be emitted from any proposed stationary source or modification which the executive secretary, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the executive secretary determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any air contaminant.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Indirect source" means a building, structure, facility or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.

"Potential to emit" means the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed

or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Stationary source" means any building, structure, facility, or installation which emits or may emit an air contaminant.

R307-401-3. Applicability.

(1) R307-401 applies to any person intending to:

(a) construct a new installation which will or might reasonably be expected to become a source or an indirect source of air pollution, or

(b) make modifications or relocate an existing installation which will or might reasonably be expected to increase the amount or change the effect of, or the character of, air contaminants discharged, so that such installation may be expected to become a source or indirect source of air pollution, or

(c) install a control apparatus or other equipment intended to control emissions of air contaminants.

(2) R307-403, R307-405 and R307-406 may establish additional permitting requirements for new or modified sources.

(a) Exemptions contained in R307-401 do not affect applicability or other requirements under R307-403, R307-405 or R307-406.

(b) Exemptions contained in R307-403, R307-405 or R307-406 do not affect applicability or other requirements under R307-401, unless specifically authorized in this rule.

R307-401-4. General Requirements.

The general requirements in (1) through (3) below apply to all new and modified installations, including installations that are exempt from the requirement to obtain an approval order.

(1) Any control apparatus installed on an installation shall be adequately and properly maintained.

(2) If the executive secretary determines that an exempted installation is not meeting an approval order or State Implementation Plan limitation, is creating an adverse impact to the environment, or would be injurious to human health or welfare, then the executive secretary may require the owner or operator to submit a notice of intent and obtain an approval order in accordance with R307-401-5 through R307-401-8. The executive secretary will complete an appropriate analysis and evaluation in consultation with the owner or operator before determining that an approval order is required.

(3) Low Oxides of Nitrogen Burner Technology.

(a) Except as provided in (b) below, whenever existing fuel combustion burners are replaced, the owner or operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the executive secretary, unless such equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not physically practical or cost effective to the executive secretary for review and approval prior to beginning construction.

(b) The provisions of (a) above do not apply to non-commercial, residential buildings.

R307-401-5. Notice of Intent.

(1) Except as provided in R307-401-9 through R307-401-17, any person subject to R307-401 shall submit a notice of intent to the executive secretary and receive an approval order prior to initiation of construction, modification or relocation. The notice of intent shall be in a format specified by the executive secretary.

(2) The notice of intent shall include the following information:

(a) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.

(b) Expected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air contaminant types, and concentration of air contaminants.

(c) Size, type and performance characteristics of any control apparatus.

(d) An analysis of best available control technology for the proposed source or modification. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, the owner or operator of the source shall consider EPA Control Technique Guidance (CTG) documents and Alternative Control Technique documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.

(e) Location and elevation of the emission point and other factors relating to dispersion and diffusion of the air contaminant in relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.

(f) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when necessary to ascertain compliance.

(g) The typical operating schedule.

(h) A schedule for construction.

(i) Any plans, specifications and related information that are in final form at the time of submission of notice of intent.

(j) Any additional information required by:

(i) R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) R307-406, Visibility;

(iv) R307-410, Emissions Impact Analysis;

(v) R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; or

(vi) R307-421, Permits: PM10 Offset Requirements in Salt Lake County and Utah County.

(k) Any other information necessary to determine if the proposed source or modification will be in compliance with Title R307.

(3) Notwithstanding the exemption in R307-401-9 through 16, any person that is subject to R307-403, R307-405, or R307-406 shall submit a notice of intent to the executive secretary and receive an approval order prior to intiation of construction, modification, or relocation.

R307-401-6. Review Period.

(1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the executive secretary will advise the applicant of any deficiency in the notice of intent or the information submitted.

(2) Within 90 days of receipt of a complete application including all the information described in R307- 401-5, the executive secretary will

(a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of R307-401-8, or

(b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is deemed that any part of the proposal is inadequate to meet the applicable requirements of R307.

(3) The review period under (2) above may be extended by up to three 30-day extensions if more time is needed to review the proposal.

R307-401-7. Public Notice.

(1) Issuing the Notice. Prior to issuing an approval or disapproval order, the executive secretary will advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the executive secretary's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

(b) Public Comment.

(i) A ten-day public comment period will be established.

(ii) The public comment period in (i) above will be increased to 30 days for any source that is:

(A) subject to the requirements of R307-405, Permits: Major Sources in Attainment or Unclassified Areas,

(B) subject to the requirements of R307-406, Visibility,

(C) subject to the requirements of R307-415, Operating Permit Requirements;

(D) a synthetic minor source in accordance with R307-415-4(6);

(E) located in a nonattainment area or a maintenance area for any pollutant; or

(F) subject to any standard or requirement of 42 U.S.C. 7411 or 7412.

(iii) A request to extend the length of the comment period, up to 30 days, may be submitted to the executive secretary:

(A) within 10 days of the date the notice in (1) above is published for comment periods established under (i), or

(B) within 15 days of the date the notice in (1) above is published for comment periods established under (ii).

(iv) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the executive secretary:

(A) within 10 days of the date the notice in (1) above is published for comment periods established under (i) above, or

(B) within 15 days of the date the notice in (1above is published for comment periods established under (ii) above.

(v) The hearing will be held in the area of the proposed construction, installation, modification, relocation or establishment.

(vi) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the executive secretary to review plans and specifications.

(3) The executive secretary will consider all comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order.

R307-401-8. Approval Order.

(1) The executive secretary will issue an approval order if the following conditions have been met:

(a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, best available control technology shall be at least as stringent as any Control Technique Guidance document that has been published by EPA that is applicable to the source.

(b) The proposed installation will meet the applicable requirements of:

(i) R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) R307-406, Visibility;

(iv) R307-410, Emissions Impact Analysis;

(v) R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;

(vi) R307-210, National Standards of Performance for New Stationary Sources;

(vii) National Primary and Secondary Ambient Air Quality Standards;

(viii) R307-214, National Emission Standards for Hazardous Air Pollutants;

(ix) R307-110, Utah State Implementation Plan; and

(x) all other provisions of R307.

(2) The approval order will require that all pollution control equipment be adequately and properly maintained.

(3) Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of R307 or the State Implementation Plan.

(4) To accommodate staged construction of a large source, the executive secretary may issue an order authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the executive secretary under the intent of R307. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under R307-401-8(1) and (2) will be reviewed and modified as appropriate at the earliest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(5) If the executive secretary determines that a proposed stationary source, modification or relocation does not meet the conditions established in (1) above, the executive secretary will not issue an approval order.

R307-401-9. Small Source Exemption.

(1) A small stationary source is exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following conditions are met.

(a) its actual emissions are less than 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide, carbon monoxide, nitrogen oxides, PM_{10}, ozone, or volatile organic compounds;

(b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;

(c) its actual emissions are less than 500 pounds per year of any air contaminant not listed in (a)(or (b) above and less than 2000 pounds per year of any combination of air contaminants not listed in (a) or (b) above.

(d) Air contaminants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be included in emission calculations when determining applicability under (a) through (c) above.

(2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall submit a notice of intent under R307-401-5 no later than 180 days after the end of the calendar year in which the source exceeded the emission threshold.

(3) Small Source Exemption – Registration. The executive secretary will maintain a registry of sources that are claiming an exemption under R307-401-9. The owner or operator of a stationary source that is claiming an exemption under R307-401-9 may submit a written registration notice to the executive secretary. The notice shall include the following minimum information:

(a) identifying information, including company name and address, location of source, telephone number, and name of plant site manager or point of contact;

(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;

(c) identification of expected emissions;

(d) estimated annual emission rates;

(e) any control apparatus used; and

(f) typical operating schedule.

(4) An exemption under R307-401-9 does not affect the requirements of R307-401-17, Temporary Relocation.

R307-401-10. Source Category Exemptions.

The following source categories described in (1) through (5) below are exempted from the requirement to obtain an approval order. The general provisions in R307-401-4 shall apply to these sources.

(1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah, unless there are emissions other than combustion products.

(2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 – 6,

(3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour.

(4) Exhaust systems for controlling steam and heat that do not contain combustion products.

R307-401-11. Replacement-in-Kind Equipment.

(1) Applicability. Existing process equipment or pollution control equipment that is covered by an existing approval order or State Implementation Plan requirement may be replaced using the procedures in (2) below if:

(a) the potential to emit of the process equipment is the same or lower;

(b) the number of emission points or emitting units is the same or lower;

(c) no additional types of air contaminants are emitted as a result of the replacement;

(d) the process equipment or pollution control equipment is identical to or functionally equivalent to the replaced equipment;

(e) the replacement does not change the basic design parameters of the process unit or pollution control equipment;

(f) the replaced process equipment or pollution control equipment is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation;

(g) the replaced process equipment or pollution control equipment does not trigger New Source Performance Standards or National Emissions Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and

(h) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.

(2) Replacement-in-Kind Procedures.

(a) In lieu of filing a notice of intent under R307-401-5, the owner or operator of a stationary source shall submit a written notification to the executive secretary before replacing the equipment. The notification shall contain a description of the replacement-in-kind equipment, including the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.

(b) If the replacement-in-kind meets the conditions of (1) above, the executive secretary will update the source's approval order and notify the owner or operator. Public review under R307-401-7 is not required for the update to the approval order.

(3) If the replaced process equipment or pollution control equipment is brought back into operation, it shall constitute a new emissions unit.

R307-401-12. Reduction in Air Contaminants.

(1) Applicability. The owner or operator of a stationary source of air contaminants that reduces or eliminates air contaminants is exempt from the approval order requirements of R307-401-5 through 8 if:

(a) the project does not increase the potential to emit of any air contaminant or cause emissions of any new air contaminant, and

(b) the executive secretary is notified of the change and the reduction of air contaminants is made enforceable through an approval order in accordance with (2) below.

(2) Notification. The owner or operator shall submit a written description of the project to the executive secretary no later than 60 days after the changes are made. The executive secretary will update the source's approval order or issue a new approval order to include the project and to make the emission reductions enforceable. Public review under R307-401-7 is not required for the update to the approval order.

R307-401-13. Plantwide Applicability Limits.

A plantwide applicability limit under R307-405-21 does not exempt a stationary source from the requirements of R307-401.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

(1) Definitions.

"Boiler" means boiler as defined in R315-1-1 that incorporates by reference the term "boiler" in 40 CFR 260.10, 2000 ed., as amended by 67 FR 2962, January 22, 2002.

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

(2) Boilers burning used oil for energy recovery are exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following requirements are met:

(a) the heat input design is less than one million BTU/hr;

(b) contamination levels of all used oil to be burned do not exceed any of the following values:

(i) arsenic - 5 ppm by weight,

(ii) cadmium - 2 ppm by weight,

(iii) chromium - 10 ppm by weight,

(iv) lead - 100 ppm by weight,

(v) total halogens - 1,000 ppm by weight,

(vi) Sulfur - 0.50% by weight; and

(c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.

(3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the executive secretary to ensure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the executive secretary. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the executive secretary or the executive secretary's

representative upon request. Records must be kept for a three-year period.

R307-401-15. Air Strippers and Soil Venting Projects.

(1) The owner or operator of an air stripper or soil venting system that is used to remediate contaminated groundwater or soil is exempt from the notice of intent and approval order requirements of R307-401-5 through 8 if the following conditions are met:

(a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in R307-401-9(1)(a), and

(b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in R307-410-5(1)(d).

(2) The owner or operator shall submit documentation that the project meets the exemption requirements in (1) above to the executive secretary prior to beginning the remediation project.

(3) After beginning the soil remediation project, the owner or operator shall submit emissions information to the executive secretary to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in (1) above are not exceeded. Emissions estimates of volatile organic compounds and hazardous air pollutants shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8020 or #8021 or other test or monitoring method approved by the executive secretary. Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the executive secretary within one month of sampling. The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the executive secretary.

(4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil venting project exempted under R307-401-15:

(a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or

(b) carbon adsorption unit.

R307-401-16. De minimis Emissions From Soil Aeration Projects.

An owner or operator of a soil remediation project is not subject to the notice of intent and approval order requirements of R307-401-5 through 8 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits the following information to the executive secretary prior to beginning the remediation project:

(1) documentation that the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from the project are less than the de minimis emissions listed in R307-401-9(1)(a);

(2) documentation that the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in R307-410-5(1)(d); and

(3) the location of the remediation and where the remediated material originated.

R307-401-17. Temporary Relocation.

The owner or operator of a stationary source previously approved under R307-401 may temporarily relocate and operate the stationary source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The executive secretary will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the bases for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be submitted to the executive secretary at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the executive secretary as requested. R307-401-7, Public Notice, does not apply to temporary relocations under R307-401-17.

R307-401-18. Eighteen Month Review.

Approval orders issued by the executive secretary in accordance with the provisions of R307-401 will be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the executive secretary may revoke the approval order.

R307-401-19. Analysis of Alternatives.

The owner or operator of a major new source or major modification to be located in a nonattainment or maintenance area or which would impact a nonattainment or maintenance area must, in addition to the requirements in R307-401, submit with the notice of intent an adequate analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. The executive secretary shall review the analysis. The analysis and the executive secretary's comments shall be subject to public comment as required by R307-401-7. The preceding shall also apply in Salt Lake and Davis Counties for new major sources or modifications which are

considered major for precursors of ozone, including volatile organic compounds and nitrogen oxides.

R307-401-20. Relaxation of Limitations.

At a time that a source or modification to be located in a nonattainment or maintenance area or which would impact a nonattainment or maintenance area becomes a major source or major modification because of a relaxation of any enforceable limitation which was established after August 7, 1980, on the capacity of a source or modification otherwise to emit a pollutant, such as a restriction on the hours of operation, then the preconstruction requirements shall apply to the source as though construction had not yet commenced on the source or modification.

KEY: air pollution, permit, approval order
DATE of Enactment or Last Substantive Amendment: June 16, 2006
Notice of Continuation: August 11, 2003
19-2-104(3)(q)
19-2-108

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-405	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Jan Miller	801-536-4042	801-536-0085	janmiller@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
Permits: Major Sources in Attainment or Unclassified Areas (PSD).

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
19-2-104(3)(q) states that the Air Quality Board may meet the requirements of federal laws. The Clean Air Act, Part C (42 U.S.C. 7470 ff), Prevention of Significant Deterioration of Air Quality, is implemented by 40 CFR 51.166, which requires states to implement these regulations when issuing permits to sources of air pollution. R307-405, last amended by DAR #28322, published December 1, 2005, implements the federal requirements.

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** See separate email file.

5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
Without R307-405, the provisions of 40 CFR 51.166 would be administered by the Environmental Protection Agency. The Air Quality Board has chosen to administer federal programs itself rather than leaving them to EPA.

6. **Indexing information - keywords (maximum of four, in lower case):**
PSD, Class I area, air pollution

7. **Attach an RTF document containing the text of this rule change (filename):**
There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the

effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:	M. Cheryl Heying Planning Branch Manager	**Date** (mm/dd/yyyy):	6/1/2006

Non Printable

M. Cheryl Heying 5-25-06

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule.

No comments have been received outside the comment period when R307-405 has been amended. R307-405 was amended in DAR #28322, published December 1, 2005. Following are comments received and responses made during that amendment process. 1) COMMENT: The New Source Review (NSR) Reform rule will allow many more modifications at existing major sources than under the current NSR rules. RESPONSE: DAQ has evaluated the air quality impact of the NSR Reform provisions in Utah. The major source permitting requirements in attainment areas (the Prevention of Significant Deterioration, or PSD, permitting program) are only a portion of Utah's overall permitting requirements, and the effect of the NSR Reform provisions must be viewed in the context of the entire program. A review of the PSD permits that have been issued in recent years shows that all of these permits were either for new sources that would not be affected by the rule, or were for big modifications that would be subject to the PSD program under both the new and the old rules. DAQ has not identified any past PSD projects that would not have been subject to PSD under the new NSR reform provisions. If a modification that would have required PSD review is no longer subject to those provisions because of the changes to applicability under NSR Reform, DAQ does not believe that emission increases will occur. Utah requires all sources, both major and minor, to apply best available control technology (BACT) when an emission unit is modified. Therefore, even when a modification is not considered a major modification, the source must still apply BACT. The net effect is that emissions will not change if a modification is reviewed under the minor source program rather than the PSD program. DAQ analyzed 14 different scenarios to determine how a modification would be affected by the change in applicability provisions. The scenarios were chosen to focus on the types of changes that would no longer be subject to the PSD rule. The analysis looked at whether a modification would be subject to the old PSD provisions, new PSD provisions, minor source permitting program, and minor source modeling requirements. In 12 of the 14 scenarios, BACT would be required for the modification even if the modification no longer met the applicability provisions of the PSD rule. The two exceptions occurred for modifications where emissions from the source were decreasing. Under these scenarios, a modification that would formerly have been reviewed under the PSD program could be constructed without the requirement to apply BACT. This is the type of scenario where the PSD rule is currently creating a disincentive for sources to reduce emissions. DAQ has had inquiries from a number of sources that wanted to install pollution control equipment or switch to a cleaner fuel, but chose not to continue with the project because the permitting requirements were too much of a disincentive. DAQ believes that under these two scenarios it is more likely that the applicability changes will encourage sources to reduce emissions, resulting in an overall emission decrease due to the adoption of the applicability provisions. 2) COMMENT: The Utah state permitting rule will not ensure that emissions from existing major sources in nonattainment areas will not increase. The Utah permitting rule does not require lowest achievable emission rate (LAER) control technology or emissions offsetting for minor modifications in non-attainment areas. RESPONSE: The current rule revision is focused on the major source permitting requirements in attainment areas (PSD permitting program). The nonattainment area requirements in R307-403 have not been changed. DAQ will evaluate the effects of NSR reform in nonattainment areas in a future rulemaking. 3) COMMENT: NSR Reform rule will benefit older, grandfathered sources, allowing upgrades and life extension projects without either the installation of pollution control equipment or evaluation of air quality impacts. RESPONSE: As described in the response to comment #1, the effects of NSR Reform must be viewed within the context of Utah's entire permitting program. Utah's minor source permitting program, in combination with SIP requirements in nonattainment areas, has been very effective over the last 30 years and there are very few grandfathered sources left in the state. In addition, many sources that used to qualify as major sources are now considered minor sources due to emission reductions. DAQ reviewed the

emission inventory, operating permits, and approval orders to estimate the number of sources in the state that are currently considered major sources under the PSD permitting program. The review focused on the attainment areas of the state because the nonattainment area provisions are not affected by the current rule change. DAQ identified 29 potential major sources. Of these sources, 7 have undergone PSD review and 14 have been regulated by Utah's minor source program, SIPs, MACT standards or other requirements that have required emission limitations and emission controls. There were only 8 sources where the major emission units were grandfathered. One of these sources was a small natural-gas burning power plant, and the other 7 were natural gas compressor stations in the Uintah Basin. These sources are all relatively small, they are burning a clean fuel, and if the compressor engines were to be modified in the future it would not be possible to replace these units with similar technology because today's compressor engines are designed to be much cleaner than engines built in the 1950's or 1960's. Other states may have a large number of old, grandfathered sources, but that is not the case in Utah. As described in the response to comment #1, modifications to these grandfathered units would likely require the installation of BACT under Utah's minor source permitting program even if the modification was not considered a major modification under the PSD program. 4) COMMENT: Given that the DC Court vacated two of the original 2002 programs (Clean Unit exemption and Pollution Control Projects) indicates that additional assurances are needed to show that the remaining programs do not increase emissions in Utah. RESPONSE: As described in the previous comments, DAQ analyzed the air quality impact due to the adoption of NSR reform in Utah, and concluded that the new applicability provisions would not increase emissions in Utah, and may actually decrease emissions due to the removal of current disincentives. This analysis did not consider the effects of the Clean Unit and Pollution Control Project exemptions because these provisions had already been vacated by the DC Court. DAQ cannot comment on how removal of these two provisions would affect the national analysis of NSR Reform, but, because these provisions were not included in Utah's analysis, the additional assurances that have been requested have already been addressed. 5) COMMENT: Given the uncertainties associated with the new rule an air quality analysis is needed to determine the impact of the new rule change on emissions in Utah. RESPONSE: It is DAQ's considered opinion that the provisions of the reform rule will not weaken the combined Federal and State NSR program in Utah. The development of the EPA's NSR rule has been a ten year process that included input from air quality experts across the country including state and local air quality agencies, advocacy groups, industry groups and the public. EPA also issued a technical analysis of the anticipated air quality impacts of the NSR rule in December of 2002 and an update in 2003. DAQ's rule development was a two year process that included five stakeholder meetings, an NSR website to present current information on the rule development and an e-mail outreach program to inform stakeholders of the latest rule changes. As described in the previous comments, UDAQ analyzed the air quality impact due to the adoption of NSR reform in Utah, and concluded that the new applicability provisions would not increase emissions in Utah, and may actually decrease emissions due to the removal of current disincentives. The reform rule was finalized December 31, 2002. Ten northeastern states filed a challenge to the rule in the Court of Appeals for the District of Columbia (DC Court). The Court issued its decision June 2005 (New York v EPA). The Court found the following reform elements to be permissible interpretations of the Clean Air Act (CAA): a) The actual to projected actual applicability test, b) the ten year look-back period for baseline actual emissions calculations, c) the use of the demand growth exclusion, d) the plant-wide applicability program, and e) the Court concluded the CAA unambiguously defines emissions increase in terms of actual emissions. The DC Court also found that all procedural challenges related to lack of notice to be without merit. Finally the Court rejected challenges to EPA's technical analysis. Based on the combined efforts of the EPA and DAQ, the Division does not anticipate negative impacts on air quality due to the NSR reform rule. DAQ does not anticipate any increase in air emissions due to the reform rule and has recommended the rule to

the Air Quality Board for approval. EPA Region VIII has indicated that they expect state agencies to either submit a reform rule revision by January 2, 2006, or demonstrate a good faith effort to develop a rule for adoption early in 2006. Region VIII has indicated that the consequences of not pursuing a reform package could include sanctions and eventually the promulgation of a Federal Implementation Plan (FIP). Based on the merits of the reform rule DAQ does not see any advantage in challenging EPA on the reform rule. 6) COMMENT: Utah's state permitting program will not ensure that emissions from major sources will not increase because Utah has exemptions that could allow modifications that escape major source NSR to also escape minor source NSR. RESPONSE: As described in the previous comments (see comment 1), UDAQ evaluated a number of different scenarios to determine whether modifications that would no longer be subject to PSD would still be reviewed under Utah's minor source program. Utah's minor source permitting program has a number of exemptions that are located in R307-401-9 through 16. Most of these exemptions, by their nature, would only apply to minor sources. The two that could possibly apply to PSD major sources are R307-401-11, Replacement-in-kind Equipment and R307-401-12, Reduction in Air Contaminants. The replacement-in-kind rule is restrictive, and has been modified to contain some of the more specific language regarding eligibility that are found in the PSD rule. DAQ has not found that this rule has been used by sources to avoid updated technology because sources have an incentive to upgrade to newer, more efficient units. In addition, older technologies are often no longer available. Sources that are decreasing emissions are exempted from Utah's minor source program under R307-401-12. As described in the response to comment #1, DAQ believes that the current requirement is acting as a disincentive for sources to install pollution controls or to increase the efficiency of older emission units. The removal of the disincentive from both the PSD program and the minor source program is more likely to decrease emissions in Utah than to increase emissions. 7) COMMENT: Utah's statewide permitting program does not require modeling for minor modifications to major sources to ensure compliance with the NAAQS, PSD increments, or protect Class I areas. RESPONSE: R307-410-3 (renumbered to R307-410-4 in the proposal) requires modeling for new or modified sources with emissions of 40 tons/yr of SO2 or NOx, 5 tons/yr of PM10 fugitive emissions, 15 tons/yr of PM10 non-fugitive emissions, 100 tons/yr CO, or 0.6 tons/yr of lead. These levels are significantly below the 250 tons/year threshold in the PSD program for determining applicability. In addition, DAQ has the ability to do modeling in-house if there is reason to suspect that a source would cause a violation of the NAAQS. R307-410 also requires modeling for hazardous air pollutants. 8) COMMENT: The recent increases in regional pollution, in Utah, including PM 2.5, and ozone as well as the introduction of more stringent PM standards by EPA in 2006 would be additional information indicating the need for a Utah specific air quality impact analysis. RESPONSE: The State of Utah adopted a SIP in 2003 to address regional haze. This SIP will ensure progress towards reducing haze that is affecting Utah's national parks. Revisions to the SIP are due in 2008 and then each 10 years after that date. The State of Utah is working with other western states to understand the regional impacts of ozone and PM2.5 and anticipates that air quality improvements on the west coast will help regional issues as well. In addition, Utah's effective minor NSR program has led to on-going emission reductions. 9) COMMENT: The new rule would allow sources to use higher baseline actual levels which will result in fewer modifications triggering major NSR review. RESPONSE: The current PSD rule allows a source to use a different baseline period if that is more representative of normal operations. The rule also encourages sources to either time their permit increases based on production levels, or to increase their emissions to increase their baseline emissions. The revised rule will remove these disincentives. Even more importantly, Utah's minor NSR program will still require modifications that are not considered "major modifications" to apply the best available control technology to the modified emissions unit. As shown in Utah's analysis of the air quality impact of adopting NSR reform, the combination of the PSD program with the minor NSR program will ensure that emissions will not increase even if sources are no longer subject to

the PSD program. 10) COMMENT: The State of Utah does not have adequate information to determine actual emissions under the ten year look back period allowed under the new baseline actual rule. The State of Utah should consider using a five year look back period rather than the ten year allowed under the new rule. RESPONSE: Under the provisions of R307-405 it is the source's responsibility to demonstrate baseline emissions. UDAQ will be able to compare this information with emissions inventory submittals in most cases and resolve any discrepancies with the source. If the source is not able to adequately demonstrate emissions for the requested baseline period then the baseline period will not be acceptable. A five-year look back period will not be any easier to demonstrate than a ten-year look back period. 11) COMMENT: Section 110(1) of the CAA mandates that EPA may not approve a revision to Utah's SIP if it would interfere with attainment of the NAAQS or with any other requirement of the CAA. Utah is obliged to conduct an analysis to ensure that any revisions to the NSR program will not adversely affect compliance with the CAA requirements. RESPONSE: The DC Court in New York v EPA reiterated its interpretation of the CCA regarding the division of responsibilities between State regulatory agencies and EPA with respect to the NSR program. The EPA is responsible for the development of NSR rules and programs and the State agencies are responsible of the implementation of the NSR program. The EPA is responsible for the development of NSR rules and therefore for complying with Section 110 of the CAA. The EPA mandate issued to State agencies to proceed with the reform rule is based on EPA's determination that the implementation of the new rule will not interfere with the requirements of the CAA. While it is not the responsibility of the State of Utah to conduct an analysis to demonstrate compliance with CAA, as directed by the Air Quality Board, the Division of Air Quality (DAQ) studied the impact of the NSR reform rule on emissions in Utah. The Division found that the new NSR program would be as effective as the existing NSR program. It is UDAQ's position that the new rule will improve the NSR program by eliminating disincentives in the existing rules that can discourage modernization of facilities while preserving the effectiveness of the NSR program (see Comment 1 and 5 above). 12) COMMENT: In the introduction to the PSD SIP it states that "In 1977, Congress added language to the Clean Air Act to prevent significant deterioration of air quality in areas where the air quality was still pristine." The word "pristine" should be changed to "unimpaired" because not all PSD areas are clean. RESPONSE: DAQ believes that the description is appropriate when describing the goals of Congress and the language has not been changed in the SIP. 13) COMMENT: EPA lacked the necessary data to undertake a meaningful environmental impact analysis. RESPONSE: The District of Columbia Court of Appeals (DC Court) reviewed the issue of the adequacy of EPA's NSR Reform rule environmental impact statement (EIS) in New York vs. EPA decided June 24, 2005. The court found that EPA in its original 2002 and the 2003 EIS documents had adequately responded to petitioner's allegations. The DC court found that that EPA's study was entitled to deference. As directed by the Air Quality Board, the Division of Air Quality (DAQ) studied the impact of the NSR reform rule on emissions in Utah and found that the new NSR program would be as effective as the existing NSR program and would eliminate disincentives in the existing NSR program that can hinder the modernization of sources (see Comment 1). 14) COMMENT: The new rule will create State enforcement problems by not requiring upfront review of applicability determinations that could later require "after the fact enforcement" actions. RESPONSE: Sources making modifications using the reform rule are required to keep records under the following three conditions: a) the source uses the actual to projected actual test and makes an estimate of future actual emissions; b) the modification will not result in a significant net emissions increase; and c) the source believes that there is a "reasonable possibility" that the modification may result in significant emissions increase. Under the existing NSR rules an applicability determination for a modification does not require any recordkeeping or reporting to regulatory agencies. The above requirements for a determination under the new rule will extend the requirements under the Federal NSR program to require both recordkeeping and reporting for applicability tests that are not significant. In the

State of Utah all applicability determinations will be reviewed under either the State or Federal NSR programs. Any source modifications that results in an emissions increase are reviewed under the State NSR program. DAQ does not anticipate that the reform rule will allow sources to undertake modification projects without agency review. 15) COMMENT: The adoption of the Reform rule will place greater burden on the DAQ to ensure compliance with the NSR requirements. RESPONSE: DAQ does not anticipate that the review of NSR permits will be significantly altered as a result of the reform rule. The existing NSR state rule requires the review of all modifications at a source that would change air emissions. The reform rule requires a State review of all source modifications that increase air emissions. DAQ does not anticipate a significant increase in permits associated with the new rule. The processing and review of a PSD source under the existing rules is a complex undertaking that has not been changed significantly. The changes to the rule will not add to the overall requirements of a PSD review. PSD sources comprise only a small percentage of the regulated sources in Utah (see Comment 1). DAQ does not anticipate that reform rule changes will alter compliance inspections at PSD sources or add to the number of required inspections. 16) COMMENT: The State of Utah is not required to submit the NSR reform rules. Under both Section 116 of the CAA and the DC Court decision (New York vs. EPA) the State could submit the current NSR program to EPA as a replacement for the NSR Reform rule. RESPONSE: A number of issues that were part of the New York v EPA court challenge were not addressed by the DC Court for lack of a factual record. One of those issues was the submittal of alternative NSR standards instead of the reform rule. UDAQ does not see any advantage to resubmitting the existing NSR rule given the rule development process and technical analysis under taken by EPA and DAQ. It is DAQ's position that the new rule will improve the NSR program by eliminating disincentives in the existing rules that can discourage modernization of facilities while preserving the effectiveness of the NSR program. To resubmit the current NSR program in place of the reform rule would place the State of Utah at risk of Region VIII sanctions for no discernable reason. 17) COMMENT: The State of Utah could adopt an alternative version of the NSR Reform rule based on the "model rule" menu of options prepared by STAPPA/ALAPCO. RESPONSE: As directed by the Air Quality Board the Division of Air Quality (DAQ) studied the impact of the NSR reform rule on emissions in Utah and found that the new NSR program would be as effective as the existing NSR program. It is DAQ's position that the new rule will improve the NSR program by eliminating disincentives in the existing rules that can discourage modernization of facilities while preserving the effectiveness of the NSR program. Given that the Reform rule will not alter the effectiveness of the NSR program and does improve the existing rule DAQ does not intent to adopt an alternative version of the reform rule. 18) COMMENT: The new rule does not require review or documentation of the actual to projected actual test. Also the DC Court remanded the record keeping provisions of the reform rule applicability test for modifications. Utah's adoption of the new rule is premature and should be postponed until EPA has responded to the DC Court. RESPONSE: Sources making modifications using the reform rule are required to keep records under the following three conditions: a) the source uses the actual to projected actual test and makes an estimate of future actual emissions; b) the modification will not result in a significant net emissions increase; c) the source believes that there is a "reasonable possibility" that the modification may result in significant emissions increase. Under the existing NSR rules, an applicability determination for a modification does not require any recordkeeping or reporting. The above requirements for a determination under the new rule extend the requirements under the Federal NSR program. In the State of Utah all applicability determinations will be reviewed under either the State or Federal NSR programs. All source modifications that result in an emissions increase are reviewed under the State NSR program. Any applicability determinations using the new actual to future actual test will have to be submitted to the State under the state NSR program. The "reasonable possibility" provision has been remanded to EPA by the DC Court for clarification. It is the position of DAQ that the NSR program can be implemented while

the EPA clarifies the "reasonable possibility" provision without altering the recordkeeping requirements of the reform rule. The remand to EPA will create an incentive for sources to maintain records for all modifications that utilize the new applicability test until the rule is clarified. 19) COMMENT: Future actual emissions are not federally enforceable limits. RESPONSE: Sources making modifications that do not result in a significant net emissions increase are required to keep records under the conditions listed above (Comment 17). When those conditions apply, sources are required to maintain records for either 5 or 10 years depending on the type of modification undertaken. The sources are also required to report to the appropriate regulatory agency emissions that are greater than the future actual emissions used in the applicability determination. No record keeping is required for source modifications that are not significant under the existing NSR rule. The requirements under the reform rule are an extension of NSR recordkeeping and reporting requirements. It is DAQ's position that the recordkeeping and reporting requirements of the reform rule with regards to applicability will be equivalent to the existing NSR program and in some case will be more stringent. 20) COMMENT: The Plant-wide Applicability Limit (PAL) provisions lack adequate recordkeeping and reporting requirements to insure compliance. RESPONSE: The Plant-wide Applicability Limit provision of the NSR Reform rule requires the following monitoring, recordkeeping and reporting: a) Emissions from all emission units at the source must be monitored on a rolling 12 month schedule; b) Source wide total emissions are reported on a rolling 12-month total for the ten year effective PAL term; c) The terms and conditions of an approved PAL become Title V applicable requirements; d) Under Title V an annual compliance certification, semi-annual monitoring and deviation reports are required; e) The PAL threshold emissions value is a federally enforceable limit specified in the PAL permit; f) The source must retain records of all required testing and monitoring data for at least five years from the date that the monitoring was done. The monitoring, record keeping and reporting requirements above are as stringent as those required for NSR major sources under the existing rule. It is the position of DAQ that the recordkeeping provisions in the PAL rule are adequate to insure compliance. 21) COMMENT: The PAL threshold limit will be inflated in two ways: the limit is calculated using the new ten year baseline actual look back period which will inflate the plant-wide threshold, and start-up and breakdown emissions can also be added to the plant-wide threshold. RESPONSE: The existing PSD rule uses a two year look back period to determine baseline actual emissions, except if a source petitions to use a baseline period that is more representative of normal operations. The two year look back can under certain circumstances create disincentives to plant modernization. The existing rule encourages sources to either time their permit increases based on production levels, or to increase their emissions to increase their baseline emissions. The revised ten year baseline rule will remove these disincentives to postpone plant modifications. To require sources to use the existing two-year look back period for the calculation of the PAL limit would build-in the current disincentives in the PAL program. The purpose of the ten year look back period is to allow the source to base applicability determination on plant conditions that are representative of the source operations. Startup and shutdown and malfunction (SSM) emissions under the new rule have to be added to both the baseline actual (current) and projected (future) actual calculations when the source is using the actual to projected actual test. The source will have to justify the use of SSM emissions as part of the projected actual emissions test. If the pre and post project SSM emissions are the same than the applicability test will not be affected. If the post project SSM emissions are greater than the pre project startup than the test results will be altered in favor of the source. In all cases the source will have to justify the estimated values for pre and post project emissions from SSM. In the case of a modernization project UDAQ would anticipate that SSM emissions would decrease and would require justification from the source if SSM were anticipated to increase. All State and Federal provisions regulating SSM have to be applied to the emissions estimates. It is DAQ's position that this provision of the new rule increases the complexity for sources and DAQ but as long as the emissions are accurate for both the pre and

post project emissions the PAL limit will not be inflated. 22) COMMENT: The PAL provisions will allow modifications to avoid NSR review. RESPONSE: The PAL threshold value is determined by adding the EPA significance level per pollutant to the actual plant-wide emissions at a source. The emissions at the source can not be increased greater than the significance level unless that increase is offset with a corresponding decrease at the source. The procedure of offsetting project emissions is called "netting". The procedure of "netting" is allowed on a per project basis under the existing rules. The PAL provision allows netting to take place under one permit and any change at a source can be implemented as long as the net change is not greater than the significance level for that pollutant. The PAL provision will not allow changes that would not be allowed under the existing NSR provisions. The Utah State NSR permitting rule is applicable to any changes at a source. Any emission increases at a source will be reviewed under the State rule even in cases where the change is exempt from Federal NSR major source review under a PAL permit. It is DAQ's position that the NSR Reform Rule will not allow modifications to avoid NSR review. 23) COMMENT: We recommend that the definition of "Air Quality Related Value" be retained because this definition is not contained in 40 CFR 52.21. RESPONSE: DAQ did not intend to delete this definition – the intention was to incorporate it by reference. Because the term is not defined in 52.21, the definition will be included in R307-405. It was previously located in R307-101, but is more appropriately located in R307-405. 24) COMMENT: In the definition of the term "Administrator" two cites to 52.21 paragraph (y) are not needed because this section "Clean Units Comparable to BACT" is not being incorporated by reference. RESPONSE: DAQ agrees and the references have been removed. 25) COMMENT: Utah has proposed to substitute the definition of major source baseline date in 52.21(b) (14) with the definition of major source baseline date that was submitted with the PM10 Maintenance Plan. DAQ revised the PM10 major source baseline date to the date that EPA approves the PM10 maintenance plan that was adopted by the Board on July 6, 2005 for Davis, Salt Lake, Utah, and Weber Counties. EPA has previously stated that this definition may not be approvable into Utah's SIP because there is no provision in the CAA for using a different date if an area was in non-attainment status on January 6, 1975. If this definition is not revised, EPA may have to use the current SIP definitions of major source baseline date when acting on the SIP revision to incorporate the NSR Reform Rule. RESPONSE: The following response to EPA's concerns was prepared when the PM_{10} SIP was adopted by the Board in July, 2005. "The Clean Air Act establishes requirements for new sources in non-attainment areas in Section 173 of the Act, and requirements for new sources in attainment areas (PSD) in section 165 of the Act. However, the Act does not specifically address the transition of areas from non-attainment into the PSD program. UDAQ does not believe that the statute intended for increment consumption or expansion to occur in an area while the area was not attaining the standard. Presumably, the majority of emission reductions that occurred at major sources in non-attainment areas will be reductions required to provide for attainment in the area. To the extent that such decreases are associated with a construction activity, if we require that these be counted as part of the increment, they would actually expand increment. This would make the increment analysis in these areas a hollow requirement, because the NAAQS would be exceeded well before the increment level was reached. UDAQ believes that it is unreasonable to interpret the Clean Air Act to require such a hollow requirement. A much more reasonable interpretation is to use the date that an area is re-designated to attainment as the new starting point, and then use the PSD program as part of the overall strategy to maintain the now 'clean air' in those areas." 26) COMMENT: R307-405-18 incorporate by reference 51.166(q) (1) and (2) which provides the general public participation requirements for a SIP approved state. However, some specific public participation requirements applicable to PSD sources, such as a minimum 30-day public comment period for PSD permits, which are in the proposed R307-401-7 are not specified in 40 CFR 51.166(q). Therefore, to ensure consistency between R307-405-18 and R307-401-7 we recommend that R307-405-18 also reference, or add, the requirements for PSD sources specified

in R307-401-7. RESPONSE: A source that receives a PSD permit under R307-405 is also required to receive an approval order under R307-401. The approval order will include all of the elements of the PSD permit, and will operate as the umbrella permit that includes multiple NSR requirements. Therefore, a PSD source will receive an approval order that has undergone the public comment process outlined in R307-401-7 and the additional public comment process in 40 CFR 51.166(q) will also apply as required by R307-405-18. 27) COMMENT: The requirements in the current R307-405-7 that contains a commitment to develop a state plan if the increment has been violated appears to have been deleted. RESPONSE: The language in the current R307-405-7 has been moved to the SIP because it is a commitment by the State rather than a regulatory requirement. It can be found on page 5, section E of the PSD SIP. The State cannot regulate itself, but can make a commitment about what we will do if an increment is violated. Once this provision is in the federally-approved SIP then EPA can enforce this provision against the state. If we don't meet our commitment, then EPA can issue a SIP call requiring us to address the deficiency in our SIP. 28) COMMENT: In R307-405-19(b) the reference to 40 CFR 70.4(b)(3)(iii) is changed to R307-415-7i. The provisions do not seem to be equivalent because R307-415-7i applies only to certain permit actions in the operating permit program. RESPONSE: After reviewing the provisions, DAQ agrees with the commenter that R307-415-7i is not equivalent to 70.4(b)(3)(viii). Because this reference to Part 70 is referring to a specific provision, rather than Utah's operating permit program in general, it will be acceptable to keep the reference to Part 70 in the incorporated rule. R307-405-19(b) has been deleted from the draft rule. 29) COMMENT: The reference to Administrator in 52.21(a)(2)(iii) should be changed to executive secretary. RESPONSE: R307-405-3(2)(d)(i) changes the term "Administrator" to executive secretary throughout the rule, except for the instances listed in R307-405-3(2)(d)(ii). Because 52.21(a)(2)(iii) is not on the list of exceptions, the reference has been changed to executive secretary. 30) COMMENT: The existing language in R307-401-6 states: "The executive secretary shall issue an approval order if it is determined through plan review that the following conditions have been met," while the language proposed in the new R307-401-8 deletes "if it is determined through plan review." Currently there is a document that identifies items from the engineering review that do not appear in the Approval Order, and even with that, it's hard to understand why decisions are made. I'm concerned that such documentation will not be available in the future, if DAQ management changes its policies. RESPONSE: The language to be deleted does not govern the kind of documentation that DAQ provides. In the first place, "plan review" is an undefined term, and therefore is meaningless; currently, DAQ uses the term "engineering review," and may in the future use some other process with some other name. The end result is the same, however: the approval order is issued only if the applicant meets all the conditions specified in the rule, and the only way to show that the conditions are met is to provide documentation of the analysis and conclusions. Second, the purpose of administrative rules is for an agency to regulate entities outside itself; the rulemaking process provides an open process so that affected parties and the public can offer input. Thus it is appropriate that the rule delineates the conditions that the applicant must meet before receiving an approval order, but it is not appropriate to include in a rule a specification of the process that DAQ uses to make its determinations. Any agency's actions are regulated by a variety of statutes and rules, including the Clean Air Act and federal rules, the Utah Air Conservation Act, the state Administrative Procedures Act, and the state statute and rules governing rulemaking. If DAQ did not operate with open and transparent processes, EPA would not be able to delegate the NSR program to Utah, as DAQ could not show that the federally-required conditions have been met without documenting the review. 31) COMMENT: The current NSR rule has worked well for new source permitting but has not been as effective for permitting plant modifications. The existing rule with respect to modifications is difficult to understand and implement. PacifiCorp views the reform rule as a first step to improve the NSR program. PacifiCorp will comment on three areas of the reform rule: 1. PacifiCorp supports the use of the actual to projected actual applicability

test. Under the WEPCO rule the Federal PSD program has allowed electric utilities to use the actual test alternative since 1992. 2. PacifiCorp supports the use of the 5 year look back period to determine the baseline actual emissions at electrical generating units under the new actual to projected actual test. 3. PacifiCorp supports the Plant-wide Applicability Limit (PAL) program. The PAL program will give PacifiCorp the flexibility to implement change while installing state of the art emission controls. Mid-America's purchase of PacifiCorp includes commitments to upgrades throughout our system within the next 7-8 years; in Utah alone, we will see reductions of 60% in SO_2, 34% in NO_x, and 64% in mercury. The PAL program will help PacifiCorp to efficiently complete plant modifications while maintaining air quality. RESPONSE: Noted. 32) COMMENT: PacifiCorp finds the existing NSR rule to be difficult to understand and susceptible to multiple interpretations. The adoption of the reform rule is the first step in a process to improve the NSR program. RESPONSE: Noted. 33) COMMENT: The PAL program will allow sources with multiple emission units to establish a plant-wide emission limit for a particular emissions category rather than being required to manage individual emission limits at multiple units at a plant. This simplified approach to emission limits continues to protect the environment by ensuring that future emissions do not increase, while allowing operational flexibility at the plant. RESPONSE: Noted. 34) COMMENT: PacifiCorp also notes its disagreement with the comment letter dated October 31, 2005 and submitted to the Air Quality Board on behalf of various organizations and individuals in opposition to the reform. The intent of the letter was to stop the rule making process from advancing, which PacifiCorp views as a counter productive approach to the reform of the NSR program. Many of the claims in the letter have already been addressed in the Federal and State rulemaking process to date. RESPONSE: Noted.

R307. Environmental Quality, Air Quality.
R307-405. Permits: Major Sources in Attainment or Unclassified Areas(PSD).
R307-405-1. Purpose.

This rule implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. This rule does not include the routine maintenance, repair and replacement provisions that were stayed by the DC Circuit Court of Appeals on December 23, 2003, pending appeal. This rule does not include the clean unit and pollution control project provisions that were vacated by the DC Circuit Court of Appeals on June 24, 2005. This rule supplements, but does not replace, the permitting requirements of R307-401.

R307-405-2. Applicability.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(a)(2), effective March 3, 2003, are hereby incorporated by reference.

(2)(a) The provisions in 40 CFR 52.21(a)(2)(iv)(e) are not incorporated by reference.

(b) The last sentence in 40 CFR 52.21(a)(2)(iv)(f) is not incorporated by reference.

(c) The provisions in 40 CFR 52.21(a)(2)(vi) are not incorporated by reference.

(3) Notwithstanding the exemptions in R307-401, any source that is subject to R307-405 is subject to the requirement to obtain an approval order in R307-401-5 through 8.

R307-405-3. Definitions.

(1) Except as provided in (2)below, the definitions contained in 40 CFR 52.21(b), effective March 3, 2003, are hereby incorporated by reference.

(2) "Air Quality Related Values," as used in analyses under 40 CFR 52.21(p) that is incorporated by reference in R307-405-17, means those special attributes of a Class I area, assigned by a federal land manager, that are adversely affected by air quality.

(3)(a)(i) "Major Source Baseline Date" means:

(A) in the case of particulate matter:

(I) for Davis, Salt Lake, Utah and Weber Counties, the date that EPA approves the PM10 maintenance plan that was adopted by the Board on July 6, 2005;

(II) for all other areas of the State, January 6, 1975;

(B) in the case of sulfur dioxide:

(I) for Salt Lake County, the date that EPA approves the sulfur dioxide maintenance plan that was adopted by the Board on January 5, 2005;

(II) for all other areas of the State, January 6, 1975; and

(C) in the case of nitrogen dioxide, February 8, 1988.

(ii) "Minor Source Baseline Date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or R307-405 submits a complete application under the relevant regulations. The trigger date is:

(A) In the case of particulate matter and sulfur dioxide, August 7, 1977, and

(B) in the case of nitrogen dioxide, February 8, 1988.

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i)(D) or (E) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or R307-405; and

(B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(iv) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the executive secretary shall rescind a minor source baseline date where it can be shown, to the satisfaction of the executive secretary, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM10 emissions.

(b) In the definition of "baseline area" in 40 CFR 52.21(b)(15)(ii)(b) insert the words "or R307-405" after "Is subject to 40 CFR 52.21".

(c) "Reviewing Authority" means the executive secretary.

(d)(i) The term "Administrator" shall be changed to "executive secretary" throughout R307-405, except as provided in (ii).

(ii) The term "Administrator" shall be changed to "EPA Administrator" in the following incorporated sections:

(A) 40 CFR 52.21(b)(17),
(B) 40 CFR 52.21(b)(37)(i),
(C) 40 CFR 52.21(b)(43),
(D) 40 CFR 52.21(b)(48)(ii)(c),
(E) 40 CFR 52.21(b)(50)(i),
(F) 40 CFR 52.21(l)(2),
(G) 40 CFR 52.21(p)(2), and
(H) 40 CFR 51.166(q)(2)(iv).

(e) The definition of "emissions unit" in 40 CFR 52.21(b)(7), effective January 6, 2004, is hereby incorporated by reference.

(f) The definition of "replacement unit" in 40 CFR 52.21(b)(33), effective January 6, 2004, is hereby incorporated by reference.

(g) The following paragraphs that refer to clean units and pollution control projects are not incorporated by reference:

(i) 40 CFR 52.21(b)(2)(iii)(h),

(ii) 40 CFR 52.21(b)(3)(iii)(b),

(iii) 40 CFR 52.21(b)(3)(vi)(d),

(iv) 40 CFR 52.21(b)(32), and

(v) 40 CFR 52.21(b)(42).

(4) "Heat input" means heat input as defined in 40 CFR 52.01(g).

(5) "Title V permit" means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to R307-415.

(6) "Title V Operating Permit Program" means R307-415.

(7) The definition of "Good Engineering Practice (GEP) Stack Height" as defined in R307-410 shall apply in this rule.

(8) The definition of "Dispersion Technique" as defined in R307-410 shall apply in this rule.

R307-405-4. Area Designations.

(1) Pursuant to section 162(a) of the federal Clean Air Act, the following areas are designated as mandatory Class I areas:

(a) Arches National Park,

(b) Bryce Canyon National Park,

(c) Canyonlands National Park,

(d) Capitol Reef National Park, and

(e) Zion National Park.

(2) Pursuant to section 162(b) of the federal Clean Air Act, all other areas in Utah are designated as Class II unless designated as nonattainment areas.

(3) No areas in Utah are designated as Class III.

R307-405-5. Area Redesignation.

Any person may petition the Board to change the classification of an area designated under R307-405-4, except for mandatory Class I areas designated under R307-405-4(1).

(1) The petition shall contain a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed redesignation.

(2) The petition shall contain a demonstration that the proposed redesignation meets the criteria outlined in Section VIII of the State Implementation Plan and 40 CFR 51.166(e) and (g).

R307-405-6. Ambient Air Increments.

The provisions of 40 CFR 52.21(c), effective March 3, 2003, are hereby incorporated by reference.

R307-405-7. Ambient Air Ceilings.

The provisions of 40 CFR 52.21(d), effective March 3, 2003, are hereby incorporated by reference.

R307-405-8. Exclusions from Increment Consumption.

(1) The following concentrations shall be excluded in determining compliance with a maximum allowable increase:

(a) concentrations attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such an order;

(b) concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan;

(c) concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources;

(d) the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and

(e) concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen dioxides from stationary sources which are affected by plan revisions approved by the EPA Administrator as meeting the criteria specified in 40 CFR 51.166(f)(4). The temporary increase shall not exceed 2 years in duration unless a longer time is approved by the EPA Administrator. This exclusion is not renewable.

(2) No exclusion of concentration under (1)(a) or (b) above shall apply more than five years after the effective date of the order to which paragraph (1)(a) refers or the plan to which paragraph (1)(b) refers, whichever is applicable. If both such order and plan are applicable, no such exclusion shall apply more than five years after the later of such effective dates.

(3) No exclusion under (1)(e) shall apply to an emission increase from a stationary source which would:

(a) impact a Class I area or an area where an applicable increment is known to be violated; or

(b) cause or contribute to a violation of the national ambient air quality standards.

R307-405-9. Stack Heights.

The provisions of 40 CFR 52.21(h), effective March 3, 2003, are hereby incorporated by reference.

R307-405-10. Exemptions.

(1) The provisions of 40 CFR 52.21(i)(1)(vi) through (viii), effective March 3, 2003, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(i)(2) through (5), effective March 3, 2003, are hereby incorporated by reference.

R307-405-11 Control Technology Review.

The provisions of 40 CFR 52.21(j), effective March 3, 2003, are hereby incorporated by reference.

R307-405-12. Source Impact Analysis.

The provisions of 40 CFR 52.21(k), effective March 3, 2003, are hereby incorporated by reference.

R307-405-13. Air Quality Models.

The provisions of 40 CFR 52.21(l), effective March 3, 2003, are hereby incorporated by reference.

R307-405-14. Air Quality Analysis.

(1) The provisions of 40 CFR 52.21(m)(1)(i) through (iv), (vi), and (viii), effective March 3, 2003, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(m)(2) and (3), effective March 3, 2003, are hereby incorporated by reference.

R307-405-15. Source Information.

The provisions of 40 CFR 52.21(n), effective March 3, 2003, are hereby incorporated by reference.

R307-405-16. Additional Impact Analysis.

The provisions of 40 CFR 52.21(o), effective March 3, 2003, are hereby incorporated by reference.

R307-405-17. Sources Impacting Federal Class I Areas: Additional Requirements.

(1) The provisions of 40 CFR 52.21(p), effective March 3, 2003, are hereby incorporated by reference.

(2) The executive secretary will transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the EPA Administrator of every action related to the consideration of such permit.

R307-405-18. Public Participation.

(1) Except as provided in (2), the provisions of 40 CFR 51.166(q)(1) and (2), effective March 3, 2003, are hereby incorporated by reference.

(2) The phrase "within a specified time period" in 40 CFR 51.166(q)(1) shall be replaced with the phrase "within 30 days of receipt of the PSD permit application".

R307-405-19. Source Obligation.

(1) Except as provided in (2) below, the provisions of 40 CFR 52.21(r), effective March 3, 2003, are hereby incorporated by reference.

(2) The parenthetical phrase in the first sentence in 40 CFR 52.21(r)(6) shall be changed to read "(other than projects at a source with a PAL)."

R307-405-20. Innovative Control Technology.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(v), effective March 3, 2003, are hereby incorporated by reference.

(2)(a) The reference to "40 CFR 124.10" in 40 CFR 52.21(v)(1) shall be changed to "R307-405-18".

(b) 40 CFR 52.21(v)(2) shall be changed to read "The executive secretary shall, with the consent of the governors of other affected states, determine that the source or modification may employ a system of innovative control technology, if:".

R307-405-21. Actuals PALs.

(1) Except as provided in (3), the provisions of 40 CFR 52.21(aa)(1) through (5) and (7) through (15), effective March 3, 2003, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(aa)(6), effective January 6, 2004, are hereby incorporated by reference.

(3)(a) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(4)(ii) shall be changed to "R307-403".

(b) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(8)(ii)(2) shall be changed to "R307-403".

(c) The references to "70.6(a)(3)(iii)(B) of this chapter" in 40 CFR 52.21(aa)(14)(ii) shall be changed to "R307-415-6a(3)(c)(ii)".

(d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i) and (ii) shall be changed to "the effective date of this rule".

R307-405-22. Banking of Emission Offset Credit in PSD Areas.

Banking of emission offset credits in PSD areas will be permitted. To preserve banked emission reductions the executive secretary must identify them in either the Utah SIP or an order. The executive secretary will provide a registry to identify the person, private entity, or government authority that has the right to use or allocate the banked emission reduction and to record any transfer of or lien on these rights.

KEY: air pollution, PSD, Class I area
June 16, 2006
Notice of Continuation: August 11, 2003
19-2-104

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-410	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
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   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Jan Miller	801-536-4042	801-536-0085	janmiller@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
Permits: Emission Impact Analysis

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
19-2-104(1) states that the Air Quality Board may make rules "(a) regarding the control, abatement, and prevention of air pollution from all sources..." R307-410 establishes procedures and requirements for evaluating the expected impact of emissions from new or modified sources that require an approval order under R307-401. R307-410 also establishes the procedures and requirements for evaluating the impact of emissions of hazardous air pollutants. These evaluations help to determine the control requirements necessary to attain and maintain the federal health standards for air quality.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: Written comments were received only when R307-410 was amended. (DAR #28323, published December 1, 2005.) COMMENT: R307-410 establishes modeling thresholds that are based on the federal rules. These rules do not adequately address Utah's airsheds that are bounded by mountains and subject to persistent inversions. The US standard for NOx is an annual standard, but other nations set shorter-term standards. Shorter-term NOx standards are important in Utah because NOx is a precursor to ozone and PM2.5. Permitting actions allow high short term NOx averages because the annual average does not meet the threshold level. The rule would be more effective if the threshold was based on a shorter averaging period. REPSONSE: The modeling thresholds in R307-410 are based on the federal significance level that was established in the Prevention of Significant Deterioration (PSD) program. Unlike the PSD program, the thresholds apply to all sources, not just major sources. The threshold level for NOx is 40 tons/year. The

	Division of Air Quality (DAQ) has found that the current thresholds have worked well to identify sources that would likely affect NAAQS levels in areas close to the source. The threshold level determines when a source is required to submit a modeling analysis with the Notice of Intent to Construct. If the executive secretary has reason to believe that a source that falls below the threshold will be a problem, then modeling can be completed in-house. In all cases, the executive secretary cannot issue an approval order if it causes a violation of the federal health standard. Ozone and PM2.5 problems in Utah are primarily due to the reactions of precursor emissions. Current permitting models are not effective to determine the effect of a source of NOx on either ozone or PM2.5. For this reason, Utah has adopted an emissions offset program for NOx that applies in nonattainment and maintenance areas for ozone and PM2.5. This program has been an effective mechanism for addressing the impact of new and modified sources of NOx.
5.	**A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:** R307-410 is necessary so that sources of air pollution know the requirements that apply to them as they prepare applications to construct or modify their installations.
6.	**Indexing information - keywords (maximum of four, in lower case):** air pollution, PSD, Class I area
7.	**Attach an RTF document containing the text of this rule change (filename):** There is currently a document associated with this filing. Rule Text
To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.	

AGENCY AUTHORIZATION

Agency head or designee, and title:	M. Cheryl Heying Planning Branch Manager	**Date** (mm/dd/yyyy):	6/1/2006

Non Printable

M. Cheryl Heying 5-25-06

R307. Environmental Quality, Air Quality.
R307-410. Permits: Emissions Impact Analysis.
R307-410-1. Purpose.

This rule establishes the procedures and requirements for evaluating the emissions impact of new or modified sources that require an approval order under R307-401 to ensure that the source will not interfere with the attainment or maintenance of any NAAQS. The rule also establishes the procedures and requirements for evaluating the emissions impact of hazardous air pollutants. The rule also establishes the procedures for establishing an emission rate based on the good engineering practice stack height as required by 40 CFR 51.118.

R307-410-2. Definitions.

(1) The following additional definitions apply to R307-410.

"Vertically Restricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed in a downward or horizontal direction due to the alignment of the opening or a physical obstruction placed beyond the opening, or at a height which is less than 1.3 times the height of an adjacent building or structure, as measured from ground level.

"Vertically Unrestricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed upward without any physical obstruction placed beyond the opening, and at a height which is at least 1.3 times the height of an adjacent building or structure, as measured from ground level.

(2) Except as provided in (3) below, the definitions of "stack", "stack in existence", "dispersion technique", "good engineering practice (GEP) stack height", "nearby", "excessive concentration", and "intermittent control system (ICS)" in 40 CFR 51.100(ff) through (kk) and (nn) effective July 1, 2005 are hereby incorporated by reference.

(3)-(a) The terms "reviewing authority" and "authority administering the State implementation plan" shall mean the executive secretary.

(b) The reference to "40 CFR parts 51 and 52" in 40 CFR 51.100(ii)(2)(i) shall be changed to "R307-401, R307-403 and R307-405".

(c) The phrase "For sources subject to the prevention of significant deterioration program (40 CFR 51.166 and 52.21)" in 40 CFR 51.100(kk)(1) shall be replaced with the phrase "For sources subject to R307-401, R307-403, or R307-405".

R307-410-3. Use of Dispersion Models.

All estimates of ambient concentrations derived in meeting the requirements of R307 shall be based on appropriate air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, (Guideline on Air Quality Models), effective July 1, 2005, which is hereby incorporated by reference. Where an air quality model specified in the Guideline on Air Quality Models or other EPA approved guidance documents is inappropriate, the executive secretary may authorize the modification of the model or substitution of another model. In meeting the requirements of federal law, any modification or substitution will be made only with the written approval of the Administrator, EPA.

R307-410-4. Modeling of Criteria Pollutant Impacts in Attainment Areas.

Prior to receiving an approval order under R307-401, a new source in an attainment area with a total controlled emission rate per pollutant greater than or equal to amounts specified in Table 1, or a modification to an existing source located in an attainment area which increases the total controlled emission rate per pollutant of the source in an amount greater than or equal to those specified in Table 1, shall conduct air quality modeling, as identified in R307-410-[2]3, to estimate the impact of the new or modified source on air quality unless previously performed air quality modeling for the source indicates that the addition of the proposed emissions increase would not violate a National Ambient Air Quality Standard, as determined by the Executive Secretary.

TABLE 1

POLLUTANT	EMISSIONS
sulfur dioxide	40 tons per year
oxides of nitrogen	40 tons per year
PM10 - fugitive emissions and fugitive dust	5 tons per year
PM10 - non-fugitive emissions or non-fugitive dust	15 tons per year
carbon monoxide	100 tons per year
lead	0.6 tons per year

R307-410-5. Documentation of Ambient Air Impacts for Hazardous Air Pollutants.

(1) Prior to receiving an approval order under R307-401, a source shall provide documentation of increases in emissions of hazardous air pollutants as required under (c) below for all installations not exempt under (a) below.

(a) Exempted Installations.

(i) The requirements of R307-410-5 do not apply to installations which are subject to or are scheduled to be subject to an emission standard promulgated under 42 U.S.C. 7412 at the time a notice of intent is submitted, except as defined in (ii) below. This exemption does not affect requirements otherwise applicable to the source, including requirements under R307-401.

(ii) The executive secretary may, upon making a written determination that the delay in the implementation of an emission standard under R307-214-2, that incorporates 40 CFR Part 63, might reasonably be expected to pose an unacceptable risk to public health, require, on a case-by-case basis, notice of intent documentation of emissions consistent with (c) below.

(A) The executive secretary will notify the source in writing of the preliminary decision to require some or all of the documentation listed in (c) below.

(B) The source may respond in writing within thirty days of receipt of the notice, or such longer period as the executive secretary approves.

(C) In making a final determination, the executive secretary will document objective bases for the determination, which may include public information and studies, documented public comment, the applicant's written response, the physical and chemical properties of emissions, and ambient monitoring data.

(b) Lead Compounds Exemption. The requirements of R307-410-5 do not apply to emissions of lead compounds. Lead compounds shall be evaluated pursuant to requirements of R307-410-4.

(c) Submittal Requirements.

(i) Each applicant's notice of intent shall include:

(A) the estimated maximum pounds per hour emission rate increase from each affected installation,

(B) the type of release, whether the release flow is vertically restricted or unrestricted, the maximum release duration in minutes per hour, the release height measured from the ground, the height of any adjacent building or structure, the shortest distance between the release point and any area defined as "ambient air" under 40 CFR 50.1(e), effective July 1, 2005, which is hereby incorporated by reference for each installation for which the source proposes an emissions increase,

(C) the emission threshold value, calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) or the threshold limit value - ceiling (TLV-C) multiplied by the appropriate emission threshold factor listed in Table 2, except in the case of arsenic, benzene, beryllium, and ethylene oxide which shall be calculated using chronic emission threshold factors, and formaldehyde, which shall be calculated using an acute emission threshold factor. For acute hazardous air pollutant releases having a duration period less than one hour, this maximum pounds per hour emission rate shall be consistent with an identical operating process having a continuous release for a one-hour period.

TABLE 2
EMISSION THRESHOLD FACTORS FOR HAZARDOUS AIR POLLUTANTS
(cubic meter pounds per milligram hour)

VERTICALLY-RESTRICTED AND FUGITIVE EMISSION RELEASE POINTS

DISTANCE TO PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
20 Meters or less	0.038	0.051	0.017
21 - 50 Meters	0.051	0.066	0.022
51 - 100 Meters	0.092	0.123	0.041
Beyond 100 Meters	0.180	0.269	0.090

VERTICALLY-UNRESTRICTED EMISSION RELEASE POINTS

DISTANCE TO PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
50 Meters or less	0.154	0.198	0.066
51 - 100 Meters	0.224	0.244	0.081
Beyond 100 Meters	0.310	0.368	0.123

(ii) A source with a proposed maximum pounds per hour emissions increase equal to or greater than the emissions threshold value shall include documentation of a comparison of the estimated ambient concentration of the proposed emissions with the applicable toxic screening level specified in (d) below.

(iii) A source with an estimated ambient concentration equal to or greater than the toxic screening level shall provide additional documentation regarding the impact of the proposed emissions. The executive secretary may require such documentation to include, but not be limited to:

(A) a description of symptoms and adverse health effects that can be caused by the hazardous air pollutant,

(B) the exposure conditions or dose that is sufficient to cause the adverse health effects,

(C) a description of the human population or other biological species which could be exposed to the estimated concentration,

(D) an evaluation of land use for the impacted areas,

(E) the environmental fate and persistency.

(d) Toxic Screening Levels and Averaging Periods.

(i) The toxic screening level for an acute hazardous air pollutant is 1/10th the value of the TLV-C, and the applicable averaging period shall be:

(A) one hour for emissions releases having a duration period of one hour or greater,

(B) one hour for emission releases having a duration period less than one hour if the emission rate used in the model is consistent with an identical operating process having a continuous release for a one-hour period or more, or

(C) the dispersion model's shortest averaging period when using an applicable model capable of estimating ambient concentrations for periods of less than one hour.

(ii) The toxic screening level for a chronic hazardous air pollutant is 1/30th the value of the TLV-

TWA, and the applicable averaging period shall be 24 hours.

(iii) The toxic screening level for all carcinogenic hazardous air pollutants is 1/90 the value of the TLV-TWA, and the applicable averaging period shall be 24 hours, except in the case of formaldehyde which shall be evaluated consistent with (d)(i) above and arsenic, benzene, beryllium, and ethylene oxide which shall be evaluated consistent with (d)(ii) above.

R307-410-6. Stack Heights and Dispersion Techniques.

(1) The degree of emission limitation required of any source for control of any air contaminant to include determinations made under R307-401, R307-403 and R307-405, must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique except as provided in (2) below. This does not restrict, in any manner, the actual stack height of any source.

(2) The provisions in R307-410-6 shall not apply to:

(a) stack heights in existence, or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources which were constructed or reconstructed, or for which major modifications were carried out after December 31, 1970; or

(b) coal-fired steam electric generating units subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(3) The executive secretary may require the source owner or operator to provide a demonstration that the source stack height meets good engineering practice as required by R307-410-6.

KEY: air pollution, modeling, hazardous air pollutant, stack height
June 16, 2006
Notice of Continuation: August 11, 2003
19-2-104

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no: Date filed:

Utah Admin. Code ref. (R no.): R307-210 Time filed:

1. Agency: Environmental Quality/Air Quality
   Room no.:
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   Street address 1: 150 N 1950 W
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   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
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   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Jan Miller	801-536-4042	801-536-0085	janmiller@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
Standards of Performance for New Stationary Sources (NSPS)

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
Subsection 19-2-104(1)(a) states that the Air Quality Board may make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source."

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** The rule has been revised 2 times (DAR #27665 published February 15, 2005, and effective on April 19, 2005, and DAR #28601 published May 1, 2006) in the past five years. No comments were received on these actions, and no other written comments were received since the last five-year review.

5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
Under the Clean Air Act (42 U.S.C. 7411(c)), "Each State may develop and submit to the Administrator of Environmental Protection Agency (EPA) a procedure for implementing and enforcing standards of performance for new sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this chapter to implement and enforce such standards." Utah was delegated authority to permit new sources many years ago and intends to maintain that authority rather than allowing the federal government the authority to permit and enforce these standards within Utah. To maintain that authority, Utah must adopt and implement the provisions of 40 CFR Part 60, the regulation

	implementing 42 U.S.C. 7411.
6.	**Indexing information - keywords (maximum of four, in lower case):** air pollution, stationary sources, new source review
7.	**Attach an RTF document containing the text of this rule change (filename):** There is currently a document associated with this filing. Rule Text
To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.	

AGENCY AUTHORIZATION

Agency head or designee, and title:	Heying, M. Cheryl Planning Branch Manager	**Date** (mm/dd/yyyy):	6/1/2006

Non Printable

M. Cheryl Heying 5-25-06

Effective on June 16, 2006

R307. Environmental Quality, Air Quality.
R307-210. Stationary Sources.
R307-210-1. Standards of Performance for New Stationary Sources (NSPS).

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, 2005, except for Subparts Cb, Cc, Cd, Ce, BBBB, and DDDD, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "executive secretary" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

KEY: air pollution, stationary sources, new source review
2006
Notice of Continuation: August 15, 2001
19-2-104
19-2-108

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-223	Time filed:	

1. Agency: Environmental Quality/Air Quality
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   Street address 1: 150 N 1950 W
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   Mailing address 1: PO BOX 144820
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   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Jan Miller	801-536-4042	801-536-0085	janmiller@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
Emission Standards: Existing Small Municipal Waste Combustion Units.

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources. EPA issued standards for existing small municipal waste combustion units (40 CFR Part 60, Subpart BBBB) at 63 FR 76378 on December 6, 2000. 19-2-104(3)(q) states that the Air Quality Board may "meet the requirements of federal air pollution laws." R307-223, along with the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference by R307-220-4, implements those regulations in Utah. The only source in Utah that is regulated by the Plan and R307-223 is Wasatch Energy Systems in Davis County.

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** No written comments have been received.

5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
This rule is required by 40 CFR Part 60, Subpart BBBB. It requires that states regulate existing small municipal waste combustion units to ensure that they comply with emission limits for multiple pollutants including such hazardous air pollutants as lead, cadmium, mercury, dioxins and furans.

6. **Indexing information - keywords (maximum of four, in lower case):**
air pollution, municipal waste incinerator, waste to energy plant

7.	**Attach an RTF document containing the text of this rule change (filename):** No document is associated with this filing.
To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.	

AGENCY AUTHORIZATION

Agency head or designee, and title:	M. Cheryl Heying Planning Branch Manager	**Date** (mm/dd/yyyy):	2/15/2006

Non Printable

M. Cheryl Heying
5-25-06

R307. Environmental Quality, Air Quality.
R307-223. Emission Standards: Existing Small Municipal Waste Combustion Units.
R307-223-1. Purpose and Applicability.

(1) R307-223 regulates emissions from existing small municipal waste combustion units. The purpose of R307-223 is to reduce the emissions of particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and furans from small municipal waste combustion units. Reductions are required by 42 U.S.C. 7411(d) and 7429 and 40 CFR Part 60, subpart BBBB, published at 63 FR 76378, December 6, 2000, and by the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(2) R307-223 applies to each existing small municipal waste combustion unit that has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refuse-derived fuel and commenced construction on or before August 30, 1999. A list of facilities not subject to R307-223 is found in 40 CFR 60.1555(a) through (k), and is hereby adopted and incorporated by reference.

(3) If an owner or operator of a municipal waste combustion unit makes physical or operational changes to an existing municipal waste combustion unit primarily to comply with the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4, then R307-210 does not apply to that unit. Such changes do not constitute modifications or reconstructions under R307-210.

(4) The owner or operator of any source subject to R307-223 also is required to submit an application for an operating permit under R307-415 and must notify the executive secretary that the source is subject to CFR Part 60, Subpart BBBB no later than January 1, 2002.

R307-223-2. Definitions and Equations.

(1) The following definitions apply only to R307-223. Definitions found in 40 CFR 60.1940, effective February 5, 2001, and published at 65 FR 76378, are adopted and incorporated by reference, with the following substitutions.

(a) Substitute "executive secretary" for all federal regulation references to "Administrator" or "EPA Administrator."

(b) Substitute "State of Utah" for all federal regulation references to "State," "State agency" or "State regulatory agency."

(c) "State plan" means the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(d) "You" means the owner or operator of a small municipal waste combustion unit.

(e) Substitute "Rule R307-223" for all references to "this subpart."

(f) Substitute "40 CFR Part 60" for all references to "this part."

(g) Substitute "40 CFR" for all references to "This title."

(2) Equations found in 40 CFR 60.1935, effective February 5, 2001, and published at 65 FR 76378, are adopted and incorporated by reference.

R307-223-3. Requirements.

(1) Each incinerator owner or operator subject to R307-223 must comply with the requirements of 40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940 for operator training and certification, operating requirements, emission limits, continuous emission monitoring, stack testing, other monitoring requirements, record keeping, and reporting. These provisions and table are adopted and incorporated by reference with the exceptions listed below.

(a) In 40 CFR 60.1650(a), delete "or state."

(b) In 40 CFR 60.1675(a), delete "or a current provisional operator certification from your State certification program."

(c) In 40 CFR 1675 (c), change "three" to "two," and delete 40 CFR 1675(c)(3).

(2) Compliance dates. Each incinerator must be in compliance with the dates in Section III of the Plan.

KEY: air pollution, municipal waste incinerator*, waste to energy plant*
Date of Enactment or Last Substantive Amendment: September 10, 2001
Authorizing, and Implemented or Interpreted Law: 19-2-104

State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

DAQC-475-06

MEMORANDUM

TO: Air Quality Board

FROM: Richard W. Sprott, Executive Secretary

DATE: April 5, 2006

SUBJECT: Compliance Activities –March 2006

Annual Inspections Conducted:

A 12
SM 4
B..... 6

Initial Compliance Inspections Conducted:

A 1
SM 0
B..... 3

On-Site stack test audits conducted: 8
Stack test report reviews: 28

On-site CEM audits conducted: 0
Emission reports reviewed: 0

[1]Miscellaneous inspections conducted..... …..39

Complaints received: 19

VOC inspections:

Tankers..... 1
Degreasers..... 8
Paint Booths..... 14

Source Compliance Action Notice issued..... 2
Notices of Violation issued..... 0

Compliance Advisories issued..... 7

Settlement Agreements resolved..... 2

Penalties Collected..... $49,369.00

Notices of Violations issued:

None

Compliance Advisories issued:

Quality Excavating
Tom Randall Distributing
Desert Power LP
Powder River, Inc.
Unlimited Designs, Inc.
Pepperidge Farm
Utah Metal Works, Inc.

Settlement Agreements Reached:

Kennecott Utah Copper..... $38,500.00
Pacific States Cast Iron Pipe Co. $10,869.00

_____

[1]Miscellaneous inspections include, e.g., surveillance, level I inspections, complaints, on-site training, tanker vapor certifications, dust patrol, smoke patrol, open burning, etc.

State of Utah

Department of Environmental Quality

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JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

DAQC-607-06

MEMORANDUM

TO: Air Quality Board

FROM: Richard W. Sprott, Executive Secretary

DATE: May 2, 2006

SUBJECT: Compliance Activities – April 2006

Annual Inspections Conducted:

A 1
SM 5
B 7

Initial Compliance Inspections Conducted:

A 0
SM 0
B 1

On-Site stack test audits conducted: 5
Stack test report reviews: 14

On-site CEM audits conducted: 2
Emission reports reviewed: 10

[1]Miscellaneous inspections conducted ..... …..9
Complaints received: 5

VOC inspections:

Tankers 1
Degreasers 2
Paint Booths 13

Source Compliance Action Notice issued..... 1
Notices of Violation issued..... 0

Compliance Advisories issued..... 4

Settlement Agreements resolved..... 3

Penalties Collected..... $18,227.60

Notices of Violations issued:

None

Compliance Advisories issued:

Payson City Corp.
Lehi Logg LLC
Western Pipe Coaters
Harborlite Corp

Settlement Agreements Reached:

El Paso Productions $3,600.00
Clipper Publishing/Spectrum Press..... $11,040.00
St. George City Power. $3,637.60

[1]Miscellaneous inspections include, e.g., surveillance, level I inspections, complaints, on-site training, tanker vapor certifications, dust patrol, smoke patrol, open burning, etc.

State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

M E M O R A N D U M

TO: Utah Air Quality Board DAQH-0336-06

FROM: Richard W. Sprott, Executive Secretary

DATE: April 18, 2006

SUBJECT: Hazardous Air Pollutant Section Compliance Activities – March 2006

	3/06
Asbestos Demolition/Renovation Inspections	17
Asbestos in School Inspections	5
MACT Compliance Inspections	9
Other NESHAP Inspections	0
State Rules (Only) Inspections	2
Asbestos Notifications Accepted	108
Asbestos Phone Calls Answered	483
Asbestos Individuals Certifications: Approved/Disapproved	63/0
Company Certifications/Re-certifications	3/1
Alternate Asbestos Work Practices: Approved/Disapproved	2/0
Lead Based Paint (LBP) Inspections	2
LBP Notifications Approved	2
LBP Phone Calls Answered	190

LBP Letters prepared and mailed	41
LBP Courses Reviewed/Approved	0/0
LBP Course Audits	4
LBP Certifications Approved/Disapproved	18/0
LBP Company Certifications	1
Small Business Phone Calls Answered	25
Notices of Violation Issued	0
Notices of Noncompliance	0
Compliance Advisories Issued	2
Holcim	
HAFB	
SCANS (Warning Letters) Issued	11
Settlement Agreements Finalized	3
Penalties Agree to	$12,243

Curtis DeMille Construction	$5,625
Exchange Properties	$2,400
Miller Construction/Utah Central Credit Union	$4,218

State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

MEMORANDUM

TO: Utah Air Quality Board DAQH-0407-06

FROM: Richard W. Sprott, Executive Secretary

DATE: May 17, 2006

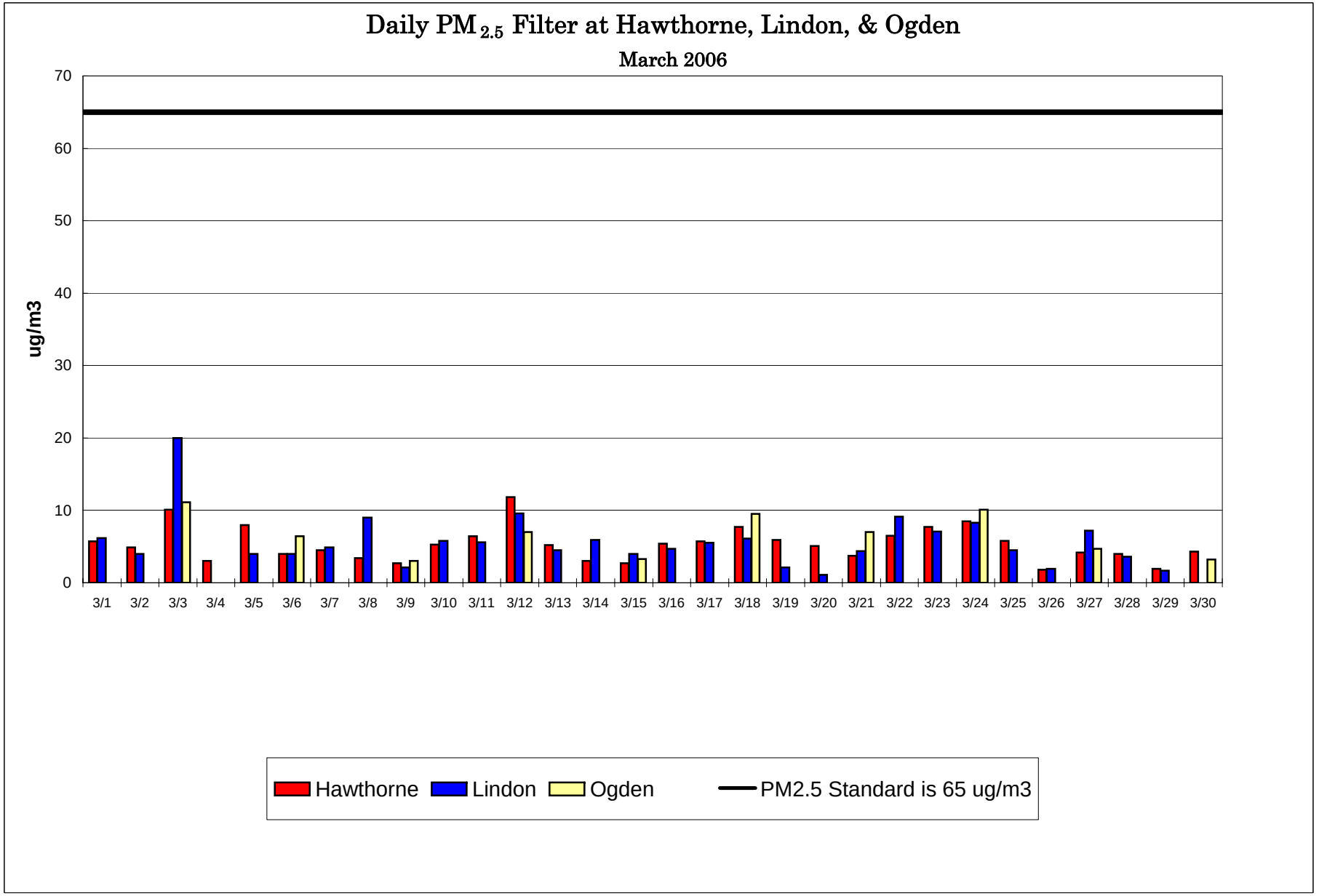
SUBJECT: Hazardous Air Pollutant Section Compliance Activities – April 2006

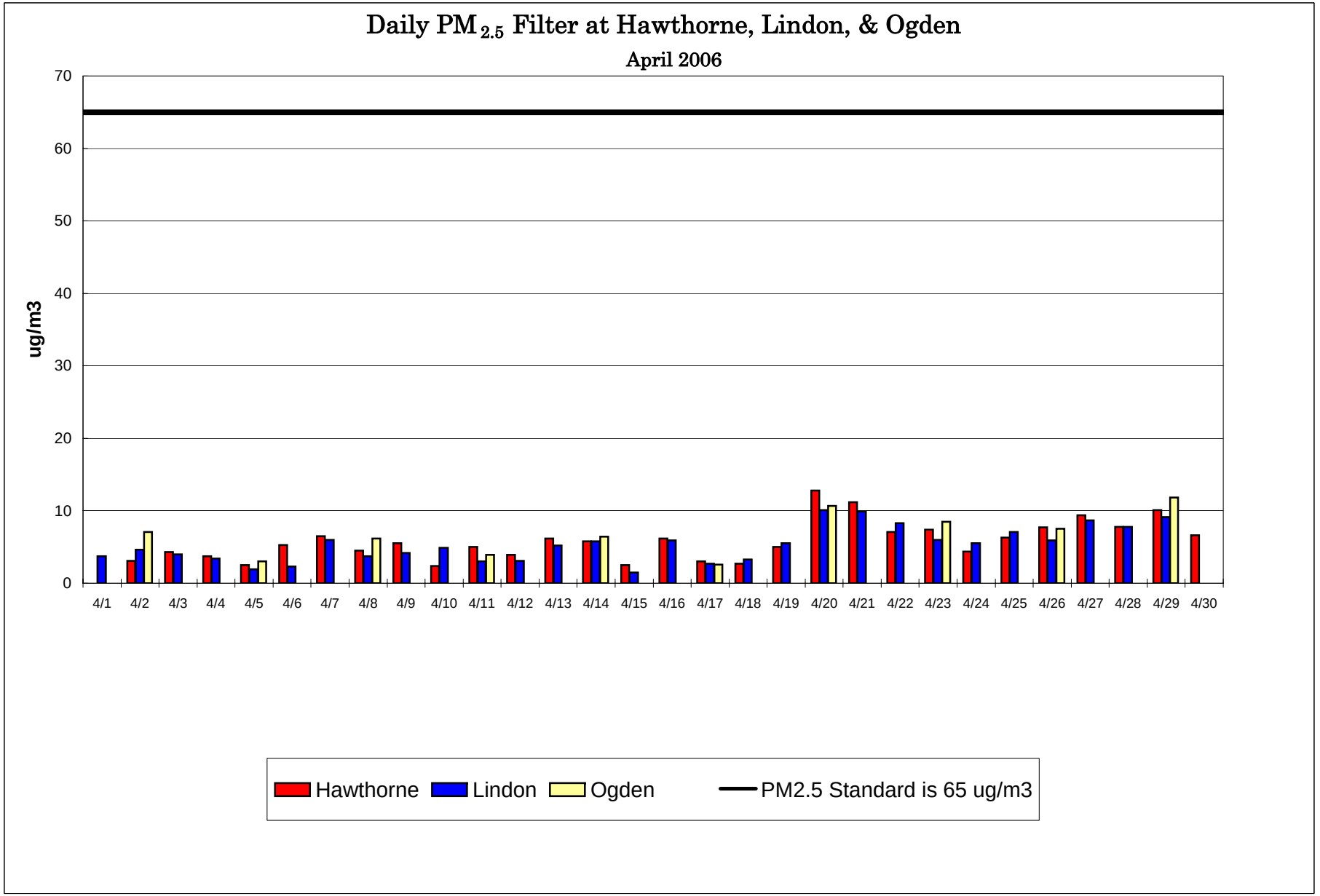
	4/06
Asbestos Demolition/Renovation Inspections	13
Asbestos in School Inspections	6
MACT Compliance Inspections	11
Other NESHAP Inspections	2
State Rules (Only) Inspections	4
Asbestos Notifications Accepted	104
Asbestos Phone Calls Answered	362
Asbestos Individuals Certifications: Approved/Disapproved	90/0
Company Certifications/Re-certifications	0/1
Alternate Asbestos Work Practices: Approved/Disapproved	2/0
Lead Based Paint (LBP) Inspections	5
LBP Notifications Approved	3

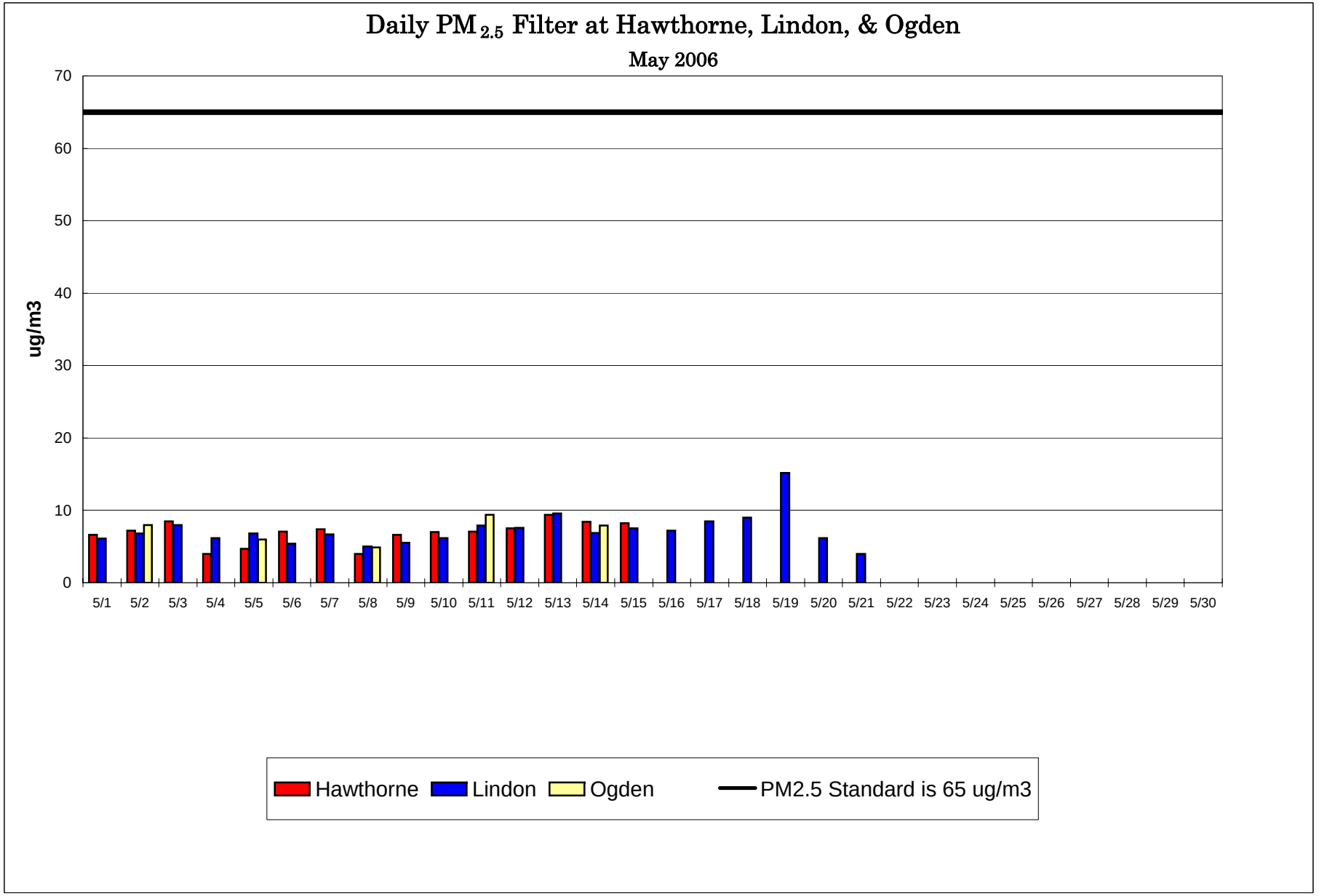
LBP Phone Calls Answered	104
LBP Letters prepared and mailed	35
LBP Courses Reviewed/Approved	0/0
LBP Course Audits	3
LBP Certifications Approved/Disapproved	16/0
LBP Company Certifications	2
Small Business Phone Calls Answered	12
Notices of Violation Issued	0
Notices of Noncompliance (NON)	0
Compliance Advisories Issued	17

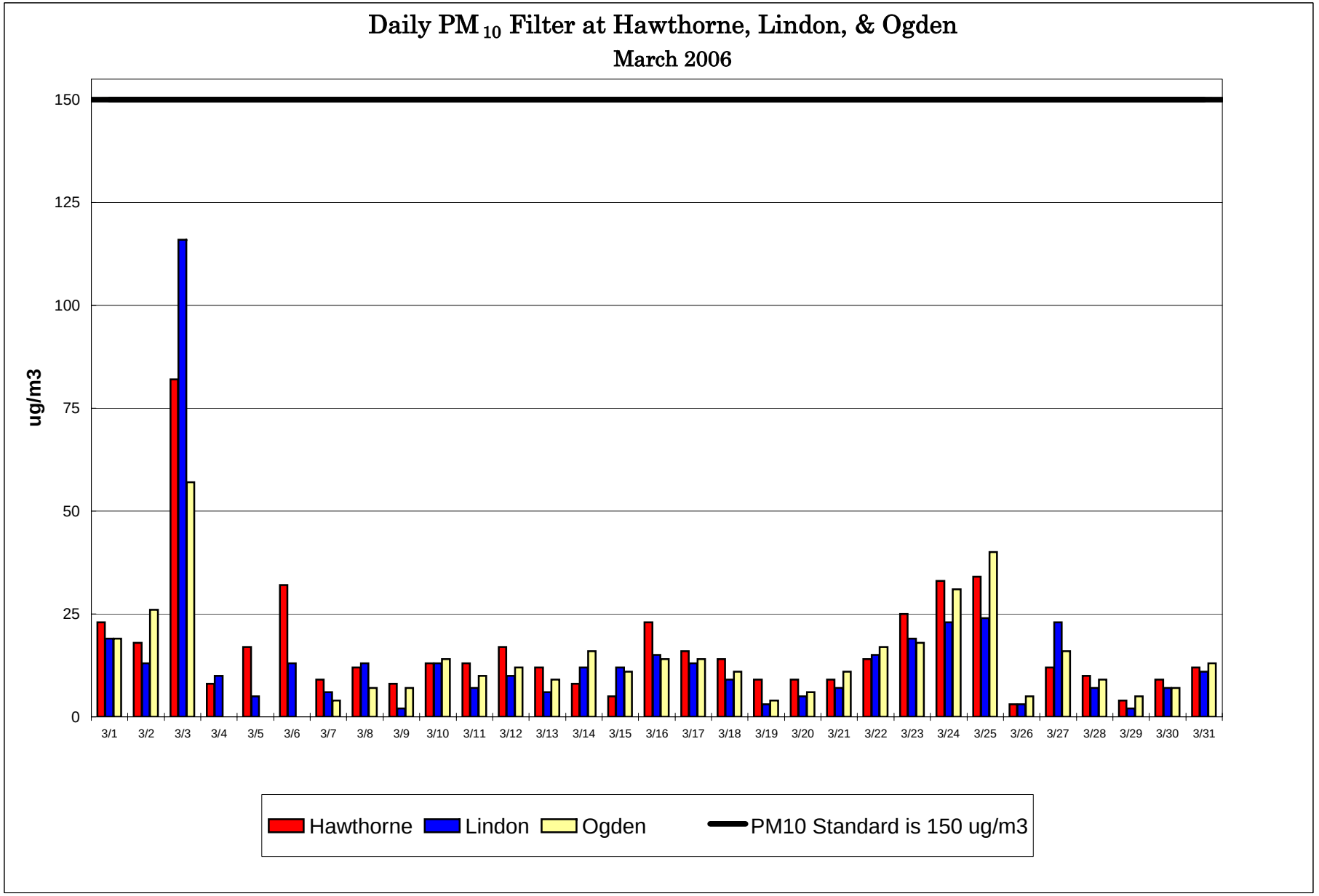
Timp West Management
Applied Geoscience & Environmental
Mountain Crest Training Center
South Salt Lake Fire Department
Intermountain Environmental Consultants
JKL Asbestos (6)
Tucker Construction
St. Mary's Church
Zion Factory Stores
Mecham Brothers Excavation
Maxwell Real Estate Development
MKP Enterprises

SCANS (warning letters) Issued	3
Settlement Agreements Finalized	0
Penalties Agree to	0

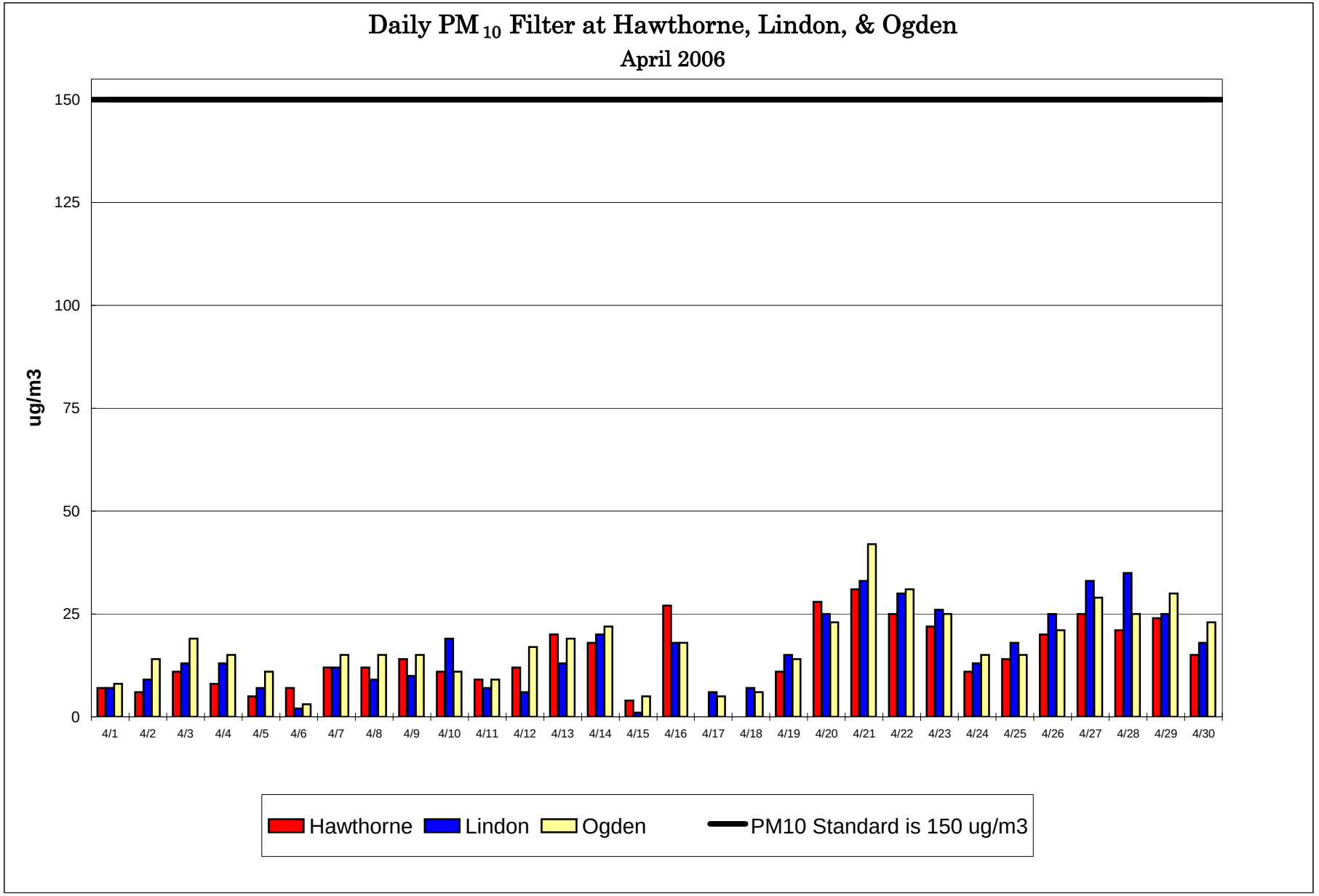

Daily PM2.5 Filter at Hawthorne, Lindon, & Ogden
March 2006
ug/m3
70
60
50
40
30
20
10
0
3/1
3/2
3/3
3/4
3/5
3/6
3/7
3/8
3/9
3/10
3/11
3/12
3/13
3/14
3/15
3/16
3/17
3/18
3/19
3/20
3/21
3/22
3/23
3/24
3/25
3/26
3/27
3/28
3/29
3/30
Hawthorne
Lindon
Ogden
PM2.5 Standard is 65 ug/m3


Daily PM2.5 Filter at Hawthorne, Lindon, & Ogden
April 2006
ug/m3
70
60
50
40
30
20
10
0
4/1
4/2
4/3
4/4
4/5
4/6
4/7
4/8
4/9
4/10
4/11
4/12
4/13
4/14
4/15
4/16
4/17
4/18
4/19
4/20
4/21
4/22
4/23
4/24
4/25
4/26
4/27
4/28
4/29
4/30
Hawthorne
Lindon
Ogden
PM2.5 Standard is 65 ug/m3

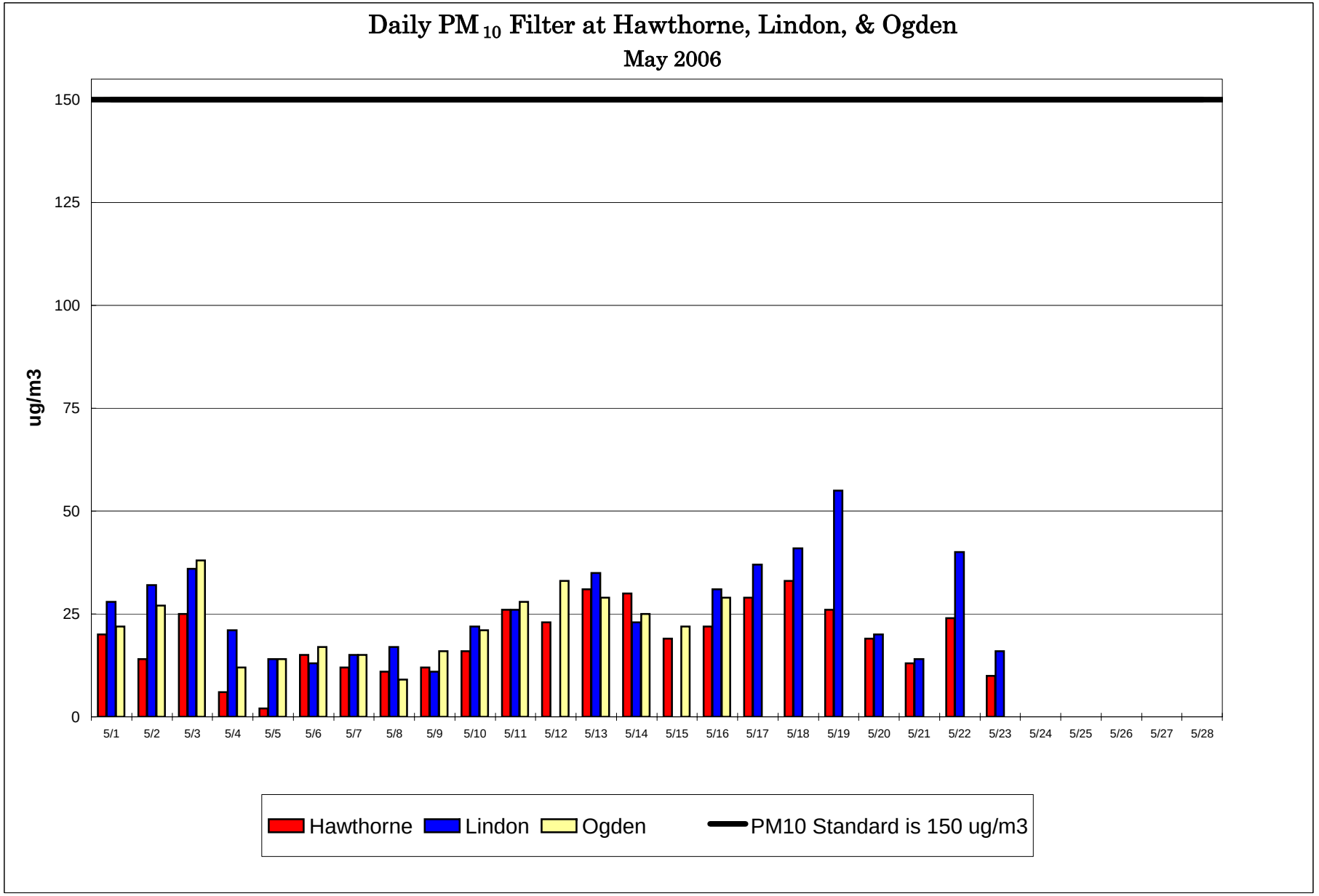

Daily PM2.5 Filter at Hawthorne, Lindon, & Ogden
May 2006
ug/m3
70
60
50
40
30
20
10
0
5/1 5/2 5/3 5/4 5/5 5/6 5/7 5/8 5/9 5/10 5/11 5/12 5/13 5/14 5/15 5/16 5/17 5/18 5/19 5/20 5/21 5/22 5/23 5/24 5/25 5/26 5/27 5/28 5/29 5/30
Hawthorne
Lindon
Ogden
PM2.5 Standard is 65 ug/m3



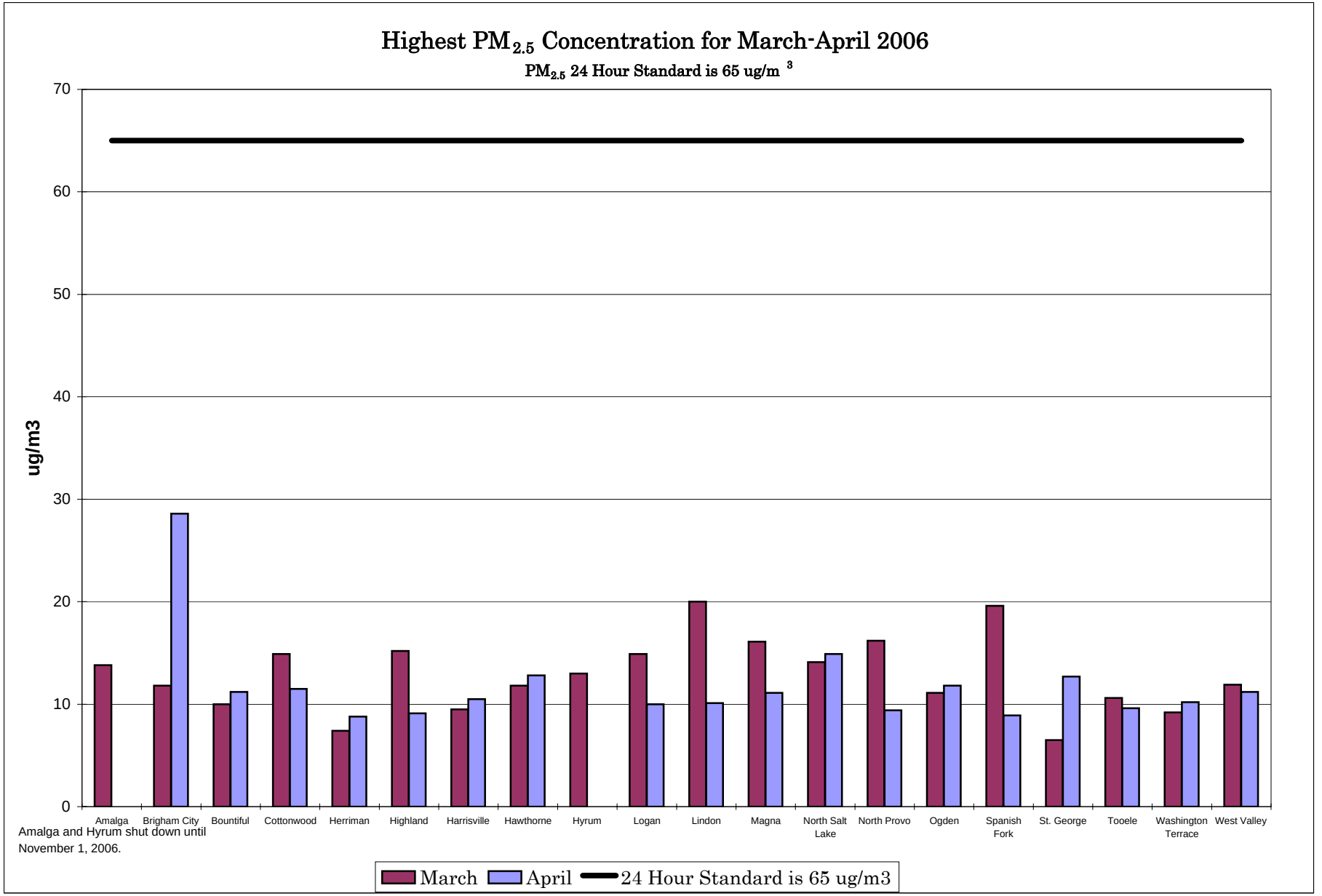
Utah Division of Air Quality

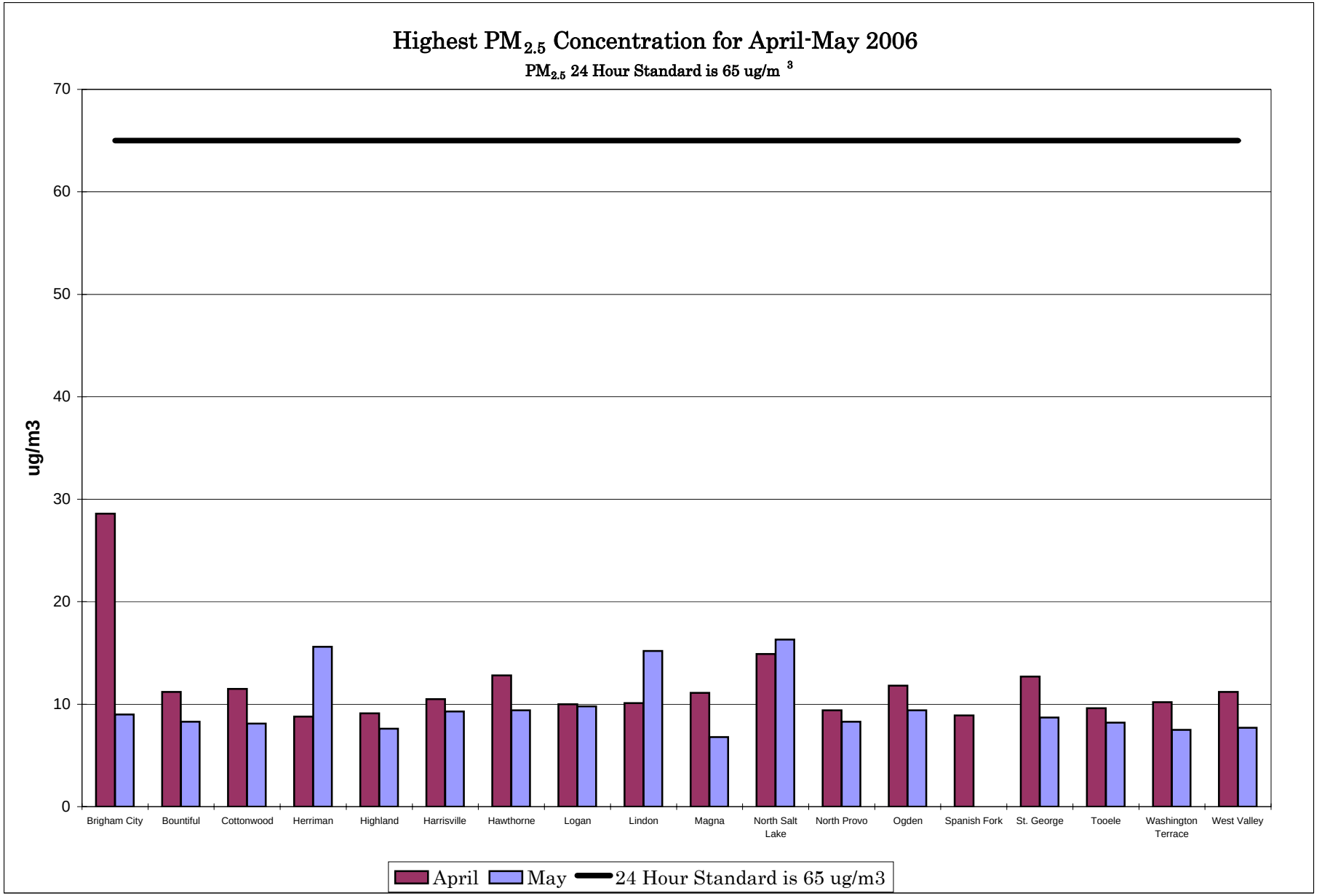


Utah Division of Air Quality



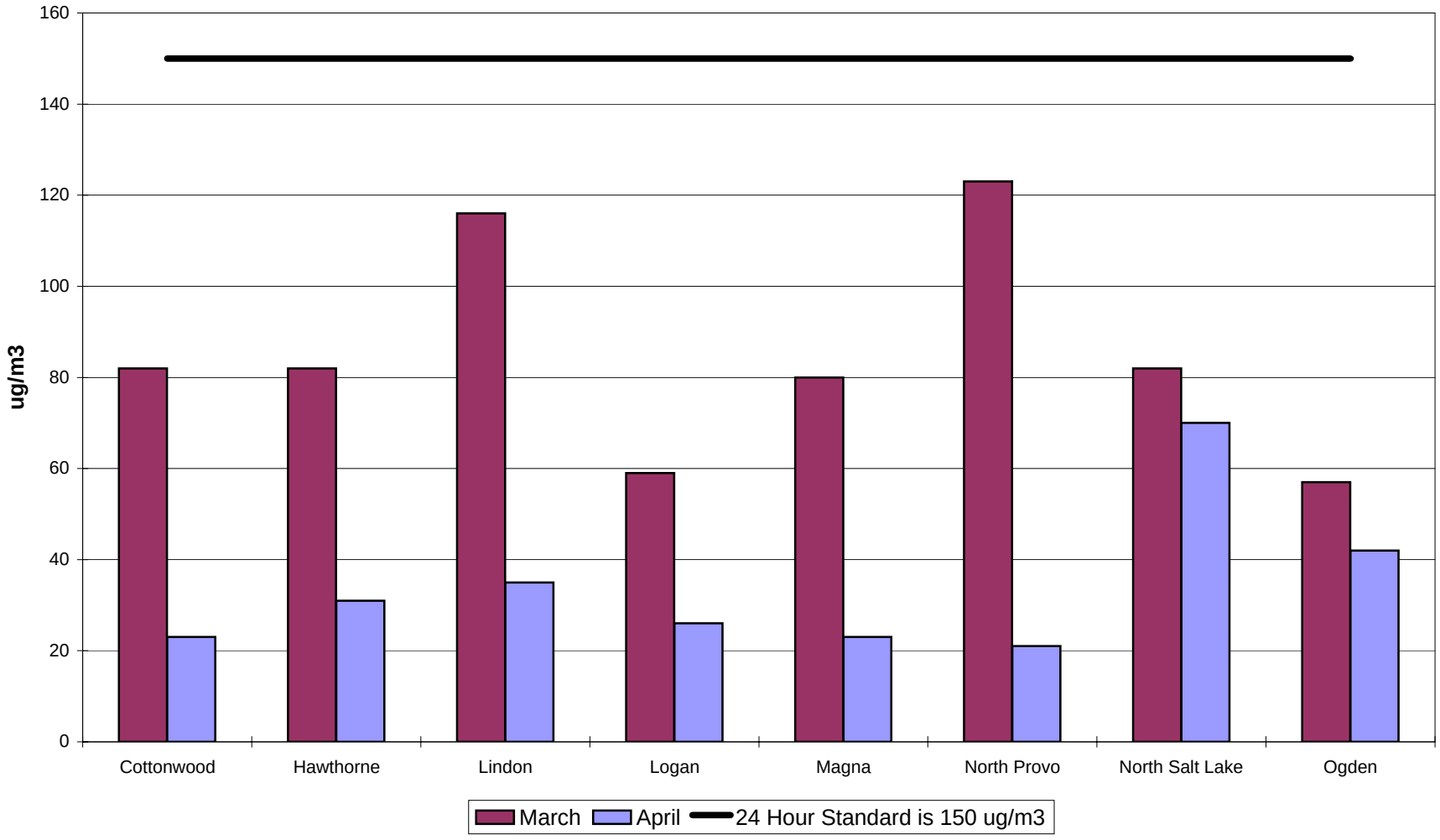
Utah Division of Air Quality

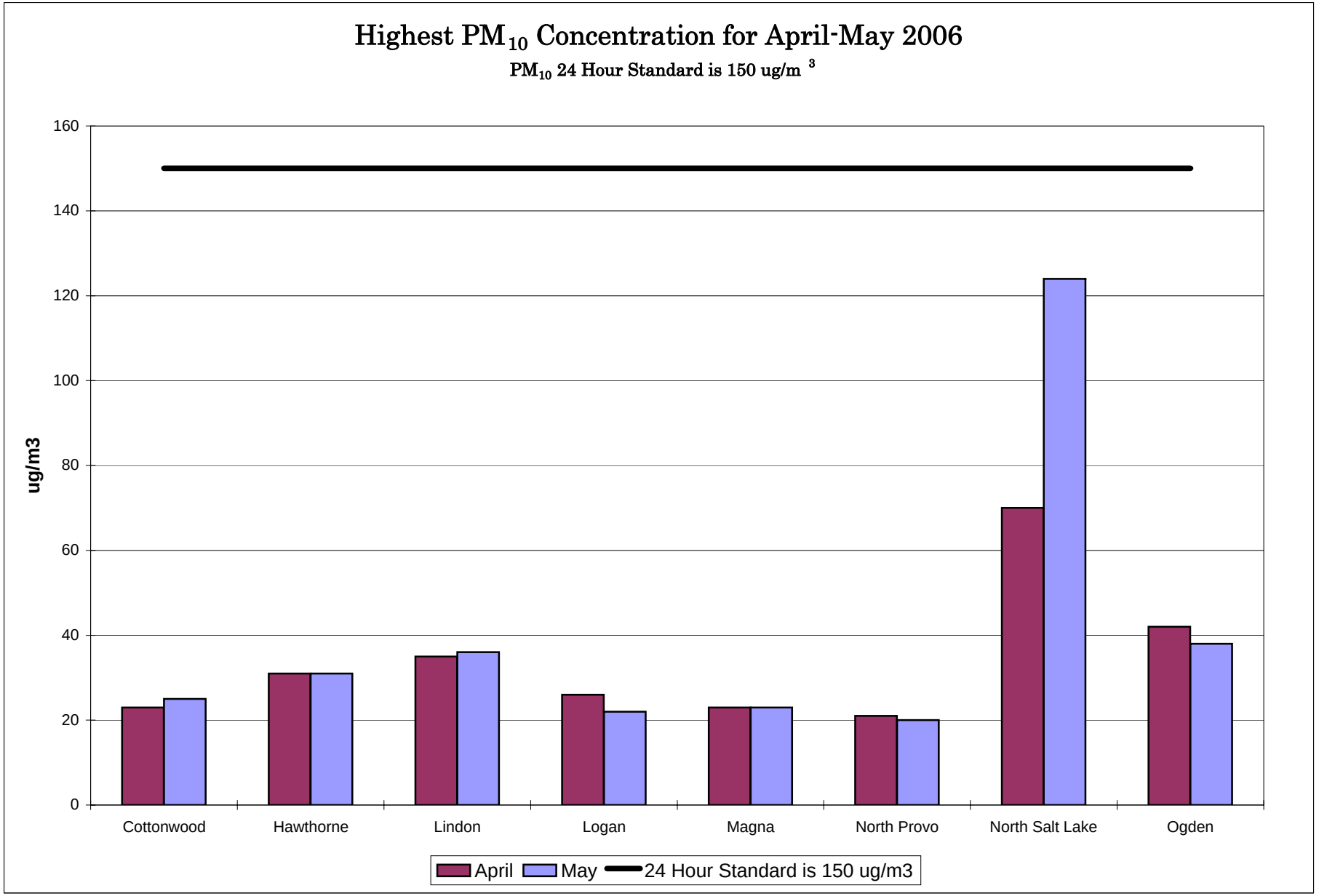

Highest PM2.5 Concentration for March-April 2006
PM2.5 24 Hour Standard is 65 ug/m 3
ug/m3
70
60
50
40
30
20
10
0
Amalga
Brigham City
Bountiful
Cottonwood
Herriman
Highland
Harrisville
Hawthorne
Hyrum
Logan
Lindon
Magna
North Salt Lake
North Provo
Ogden
Spanish Fork
St. George
Tooele
Washington Terrace
West Valley
Amalga and Hyrum shut down until November 1, 2006.
March
April
24 Hour Standard is 65 ug/m3


Highest PM2.5 Concentration for April-May 2006
PM2.5 24 Hour Standard is 65 ug/m 3
ug/m3
70
60
50
40
30
20
10
0
Brigham City
Bountiful
Cottonwood
Herriman
Highland
Harrisville
Hawthorne
Logan
Lindon
Magna
North Salt Lake
North Provo
Ogden
Spanish Fork
St. George
Tooele
Washington Terrace
West Valley
April
May
24 Hour Standard is 65 ug/m3

Highest PM_{10} Concentration for March-April 2006

PM_{10} 24 Hour Standard is 150 ug/m ^{3}




Highest PM10 Concentration for April-May 2006
PM10 24 Hour Standard is 150 ug/m 3
160
140
120
100
80
60
40
20
0
ug/m3
Cottonwood
Hawthorne
Lindon
Logan
Magna
North Provo
North Salt Lake
Ogden
April
May
24 Hour Standard is 150 ug/m3

UTAH STATE DIVISION OF AIR QUALITY

PM2.5 Actual Concentration (24-hr average) in Micrograms per Cubic Meter

2006 March

Date	AG	BR	BV	CW	HE	HG	HV	HW	HY	L4	X4	LN	LX	MG	NZ	NP	O2	SF	SW	T3	WT	WX	WV	VX
03/01								5.7		10.6	10.0	6.2			9.6									
03/02								4.9		12.4	11.6	4.0			8.9									
03/03	13.8	11.8	9978	11.3	7.3	15.2	9.5	10.1	13.0	14.9	16.2	20.0		16.1	9.6	16.2	11.1	19.6	6.5	10.6	8.3		11.9	
03/04								3.0		1.1	1.0	9979			3.3									
03/05								8.0		3.8	4.5	4.0			5.7									
03/06	4.4	3.0	9978	4.1	2.9	4.7	4.1	4.0	2.7	6.4	6.4	4.0	4.7	5.7	4.2	5.1	6.4	9975		3.0	4.3	4.5	3.8	3.3
03/07								4.5		1.4	3.6	4.9			6.3				4.7					
03/08								3.4		2.7	3.8	8.0			6.4									
03/09	1.8	2.0	2.1	2.9	0.2	1.6	3.0	2.7	4.8	2.2	2.3	2.1		1.0	3.9	2.5	3.0	9976	4.6	1.6	2.2		2.8	
03/10								5.3		3.6	4.9	5.8			8.3									
03/11								6.4		4.5	5.2	5.6			7.3									
03/12	9.9	7.8	8.9	14.9	7.4	8.7	7.6	11.8	6.8	5.8	7.0	9.6	11.4	8.0	10.1	8.4	7.0	9975	9978	5.7	7.8	7.6	10.4	10.1
03/13								5.2		4.1	4.5	4.5			7.0									
03/14								3.0		5.8	3.2	5.9			5.2									
03/15	1.4	1.6	1.3	9980	3.8	2.5	1.5	2.7	1.1	2.9	2.7	4.0		2.6	4.1	3.1	3.3	2.8		2.6	2.1		3.7	
03/16								5.4		3.7	4.6	4.7			11.9				5.9					
03/17								5.7		6.1	6.1	5.5			6.7									
03/18	4.2	6.4	8.2	8.4	7.2	5.0	7.3	7.7	5.7	7.7	8.7	6.1	7.0	8.2	9980	7.1	9.5	5.5		7.0	9.2	9.5	7.2	7.9
03/19								5.9		1.0	4.7	2.1			5.6				1.9					
03/20								5.1		4.8	4.9	1.1			7.8									
03/21	5.0	4.1	3.8	3.6	3.4	3.1	3.0	3.7	6.0	6.2	5.7	4.4		0.3	9979	4.4	7.0	3.7	3.5	1.2	6.2		2.9	
03/22								6.5		4.4	8.6	9.1			8.7									
03/23								7.7		4.6	3.5	7.1			14.1									
03/24	6.6	7.2	10.0	8.7	5.6	5.9	6.6	8.5	5.8	7.4	7.1	8.3	10.5	9980	12.3	7.5	10.1	6.9	8.4	9978	6.8	7.3	9.7	9.5
03/25								5.8		6.2	7.0	4.5			9980									
03/26								1.8		1.2	0.2	1.9			2.0									
03/27	9980	3.2		5.4	4.1	3.5	4.0	4.2	2.2	3.7		7.2		5.4	10.3	6.2	4.7	3.8	9978	4.7	2.9		5.4	
03/28			5.0					4.0		4.2		3.6			5.8									
03/29								1.9		9980	1.3	1.7			3.2									
03/30	2.0	9975	2.7	4.4	9984	2.7	2.7	4.3	6.3	9980	9980	3.4	3.9	2.9	4.5	3.3	3.2	2.0	3.9	2.0	4.0	4.3	5.3	5.5
03/31								4.4		4.3	3.6	4.6			5.4									

Arith Mean	5.4	5.2	5.3	7.1	4.7	5.3	4.9	5.3	5.4	5.1	5.5	5.5	7.5	5.6	7.1	6.4	6.5	6.3	4.1	4.3	5.4	6.6	6.3	7.3
Max 24-hr Avg	13.8	11.8	10.0	14.9	7.4	15.2	9.5	11.8	13.0	14.9	16.2	20.0	11.4	16.1	14.1	16.2	11.1	19.6	6.5	10.6	9.2	9.5	11.9	10.1
Std.Dev	4.1	3.4	3.3	4.1	2.4	4.0	2.6	2.3	3.3	3.2	3.4	3.5	3.4	4.9	3.0	4.0	3.0	3.1	2.6	2.0	2.6	2.2	3.3	2.8
Days Data	9	9	8	9	9	10	10	31	10	29	28	30	5	9	28	10	10	7	4.0	9	10	5	10	5
Yearly Mean	8.3	7.9	10.5	11.9	7.4	8.4	9.4	12.3	7.7	10.3	10.0	11.3	10.6	9.9	14.6	10.0	10.8	7.9	9.7	8.5	9.0	8.7	13.0	12.0

UTAH STATE DIVISION OF AIR QUALITY

PM2.5 Actual Concentration (24-hr average) in Micrograms per Cubic Meter

2006 April

Date	AG	BR	BV	CW	HE	HG	HV	HW	HY	L4	X4	LN	LX	MG	N2	NP	O2	SF	SW	T3	WT	WX	WV	VX
04/01										3.8	4.8	3.7			4.6									
04/02				7.1	2.6	2.7	3.8	3.1		4.4		4.6		4.4	6.1	6.7	7.1	2.4	4.0				5.2	
04/03								4.3		5.1		4.0			6.0									
04/04								3.7		3.7		3.4			5.4									
04/05		1.7	2.6	1.2	1.4	2.0	1.5	2.5		2.8		1.9	2.0		5.8		3.0	1.5	1.7	1.6	1.5	2.6	1.7	2.0
04/06								5.3			2.1	2.3			5.0									
04/07								6.5		4.6	4.7	6.0			8.0									
04/08		3.3	3.6	4.0	2.9	3.7	3.6	4.5		4.8	3.7	3.7		2.8	5.8		6.2	3.3	5.1		4.0		3.6	
04/09								5.5		5.2	4.2	4.2			5.1					2.1				
04/10								2.4		2.8	4.7	4.9			5.8									
04/11		3.2	3.3	2.7	2.8	3.3	4.5	5.0		2.7	3.0	3.0	3.1	3.7	4.3		3.9	3.7			2.8	4.2	3.9	3.2
04/12								3.9		4.2	4.4	3.1			5.6				6.4					
04/13								6.2		4.1	4.8	5.2												
04/14		4.8	5.8	4.7		6.5	5.8	5.8		4.5		5.8		4.2	7.9		6.4	5.9	6.5	2.6	5.2		5.3	
04/15								2.5		2.2		1.5			3.5									
04/16								6.2		3.1		5.9			6.7									
04/17		2.4	2.8	2.8		3.7	2.5	3.0		1.8		2.7	3.5	2.7	5.1		2.6				2.2	2.4	2.7	2.7
04/18								2.7		2.5		3.3			4.0				2.7	3.0				
04/19								5.0		4.8		5.5			9.5									
04/20		7.8		11.0		7.9	9.2	12.8		6.3	6.5	10.1		9.1	14.2	9.0	10.7	6.9	7.0	6.6	9.9		11.2	
04/21								11.2		8.5	10.6	9.9			14.9									
04/22								7.1		1.3	9.1	8.3			8.2									
04/23		8.2	7.9	7.2		6.6	7.5	7.4		6.8	7.8	6.0	7.1	6.0	8.7	7.4	8.5	5.4		6.6	7.7	7.8	7.9	7.4
04/24								4.4		3.1	4.5	5.5			6.3				8.0					
04/25								6.3		4.4	5.4	7.1			8.4									
04/26		8.6		7.3	7.0	7.3	6.2	7.7		7.2	9.7	5.9		6.7	11.1	5.8	7.5	7.0	8.7	6.7	6.2		9.0	
04/27								9.4		8.5	9.6	8.7			14.3									
04/28								7.8		9.0	11.1	7.8			10.5									
04/29		28.6	11.2	11.5	8.8	9.1	10.5	10.1		10.0		9.1	9.9	11.1	12.2	9.4	11.8	8.9	12.7	9.6	10.2	10.6	11.1	11.9
04/30								6.6		5.6		6.8			7.4									
Arith Mean		7.6	5.3	6.0	4.2	5.3	5.5	5.8		4.8	6.3	5.3	5.1	5.6	7.6	7.7	6.8	5.0	6.3	4.9	5.5	5.5	6.2	5.4
Max 24-hr Avg		28.6	11.2	11.5	8.8	9.1	10.5	12.8		10.0	11.1	10.1	9.9	11.1	14.9	9.4	11.8	8.9	12.7	9.6	10.2	10.6	11.2	11.9
Std.Dev		8.3	3.2	3.5	2.9	2.5	2.9	2.6		2.2	2.7	2.4	3.3	2.9	3.2	1.5	3.1	2.9	3.2	3.2	3.2	3.6	3.5	4.2
Days Data		9	7	10	6	10	10	29		29	19	30	5	9	29	5	10	9	10.0	8	9	5	10	5
Yearly Mean	8.3	7.9	10.0	11.3	7.2	8.2	9.0	11.7	7.7	9.7	9.8	10.7	10.0	9.5	13.8	9.9	10.4	7.6	9.1	8.2	8.6	8.4	12.2	11.4

UTAH STATE DIVISION OF AIR QUALITY

PM2.5 Actual Concentration (24-hr average) in Micrograms per Cubic Meter

2006 May

Date	AG	BR	BV	CW	HE	HG	HV	HW	HY	L4	X4	LN	LX	MG	N2	NP	O2	SF	SW	T3	WT	WX	WV	VX
05/01								6.6		5.0		6.1			9.1									
05/02		9.0		6.9	7.6	6.4	8.9	7.2		6.7	7.7	6.8		6.6		8.3	8.0		5.9		6.8		6.9	
05/03								8.5		9.8	8.7	8.0			9.2									
05/04								4.0			5.0	6.2			7.3									
05/05		4.5		4.8	3.7	4.1	4.8	4.7			5.6	6.8	5.9	4.5	7.2	4.9	6.0		5.8	4.3	4.5	4.5	4.8	5.1
05/06								7.1			12.0	5.4			8.1									
05/07								7.4			6.3	6.7			6.6									
05/08		4.9			4.3	3.8	4.0	4.0			4.7	5.0		3.6		5.9	4.9				4.5		5.0	
05/09								6.6		6.5	7.6	5.5			8.7				8.7	6.2				
05/10								7.0		5.6	5.9	6.2			10.6									
05/11		6.9	8.3	7.7	5.6	7.4	7.5	7.1		6.2	6.9	7.9	7.7		12.7	6.7	9.4		8.2	7.5	7.5	7.6		8.1
05/12								7.5		7.4	9.5	7.6			13.1									
05/13								9.4			9.1	9.6			12.2									
05/14		6.7		8.1	15.6	7.6	9.3	8.4			8.6	6.9		6.8	16.3		7.9			7.2	6.7		7.7	
05/15								8.2		6.7		7.5			12.3									
05/16								10.2		7.2	11.5	7.2			15.1									
05/17		6.3	9.9	9.2	7.6			10.5		7.6	10.4	8.5		7.0	13.6	9.9	10.2	7.7		8.2	8.4	8.1	9.3	11.6
05/18								10.9		9.4	10.7	9.0			14.9									
05/19								9.0		7.8	7.9	15.2			15.0									
05/20		6.8	9.0	6.4	5.3			8.8			11.9	6.2		4.9	15.6	6.6	8.0	6.9		5.4	5.2		6.6	
05/21								4.2				4.0												
05/22								7.6				7.0												
05/23								6.4				5.0		3.1		5.9		4.9			2.1	3.1	5.9	3.6
05/24																								
05/25																								
05/26																	10.1				8.1		11.5	
05/27																								
05/28																								
05/29																	3.3				2.4	2.7	3.6	3.3
05/30																								
05/31																								
Arith Mean		6.4	9.1	7.0	7.1	5.8	6.9	7.4		7.1	8.3	7.1	6.8	5.2	11.3	6.9	7.5	6.5	7.2	6.5	5.6	5.2	6.8	6.3
Max 24-hr Avg		9.0	9.9	9.2	15.6	7.6	9.3	10.9		9.8	12.0	15.2	7.7	7.0	16.3	9.9	10.2	7.7	8.7	8.2	8.4	8.1	11.5	11.6
Std.Dev		1.5	0.8	1.7	4.0	1.8	2.4	2.0		1.4	2.2	2.2	1.3	1.6	3.2	1.7	2.4	1.5	2.2	1.5	2.2	2.5	2.4	3.5
Days Data		7	3	6	7	5	5	23		12	20	23	2	7	20	7	9	3	4.0	6	10	5	9	5
Yearly Mean	8.3	7.8	10.0	11.1	7.2	8.0	8.9	11.4	7.7	9.6	9.6	10.4	9.9	9.1	13.7	9.7	10.3	7.5	9.0	8.1	8.3	8.1	11.8	10.9

UTAH STATE DIVISION OF AIR QUALITY

47mm Partisol: PM10 Concentration Adjusted to Sea Level (24-hr average) in Micrograms per Cubic Meter

2006 March

Date	Cottonwood	Hawthorn	Lindon	Logan 4	Magna(W)	Moab	NProvo	NProvo-X	NSL	NSL-X	Ogden2
03/01		23	19						41		19
03/02		18	13						38		28
03/03	82	82	116	59	80		123		82		57
03/04		8	10						8		9150
03/05		17	5						19		9150
03/06	15	32	13	23	14		18	21	24	22	9150
03/07		9	6						19		4
03/08		12	13						30		7
03/09	8	8	2	8	6		11		10		7
03/10		13	13						41		14
03/11		13	7						19		10
03/12	18	17	10	10	11		10	7	12	13	12
03/13		12	6						18		9
03/14		8	12						20		16
03/15	10	5	12	5	9		7		13		11
03/16		23	15						41		14
03/17		16	13						18		14
03/18	12	14	9	6	12		9	8	14	15	11
03/19		9	3						8		4
03/20		9	5						18		6
03/21	6	9	7	5	4		9		11		11
03/22		14	15						23		17
03/23		25	19						65		18
03/24	31	33	23	26	22		22	20	55	56	31
03/25		34	24						43		40
03/26		3	3						4		5
03/27	13	12	23	11	15		17		37		16
03/28		10	7						15		9
03/29		4	2						6		5
03/30	9	9	7	8	9		5	4	28	27	7
03/31		12	11						18		13
Arith Mean	20	17	14	16	18		23	12	26	27	15
Max 24-hr Avg	82	82	116	59	80		123	21	82	56	57
Std. Dev	23	15	20	17	22		36	8	18	17	12
Days of Data	10	31	31	10	10		10	5	31	5	28
Days >150											
Yearly Avg	28	25	26	20	23		22	21	37	39	24

UTAH STATE DIVISION OF AIR QUALITY

47mm Partisol: PM10 Concentration Adjusted to Sea Level (24-hr average) in Micrograms per Cubic Meter

2006 April

Date	Cottonwood	Hawthorn	Lindon	Logan 4	Magna(W)	Moab	NProvo	NProvo-X	NSL	NSL-X	Ogden2
04/01		7	7						10		8
04/02	10	6	9	10	8		12		14		14
04/03		11	13						21		19
04/04		8	13						33		15
04/05	3	5	7	9	4		11	10	45	46	11
04/06		7	2						6		3
04/07		12	12						25		15
04/08	10	12	9		7		10		17		15
04/09		14	10						15		15
04/10		11	19						24		11
04/11	6	9	7	3			7	8	10	10	9
04/12		12	6		9				17		17
04/13		20	13						28		19
04/14		18	20	17	11		14		36		22
04/15		4	1								5
04/16		27	18						23		18
04/17	5		6				9	6	9	8	5
04/18			7		2				11		6
04/19		11	15						39		14
04/20	22	28	25	15	19		19		35		23
04/21		31	33						63		42
04/22		25	30						29		31
04/23	20	22	26	19	20			21	31		25
04/24		11	13						28		15
04/25		14	18						30		15
04/26	20	20	25	17	14		20		49		21
04/27		25	33						70		29
04/28		21	35						56		25
04/29	23	24	25	26	23		23	22	43	38	30
04/30		15	18						21		23
Arith Mean	13	15	16	14	12		14	13	29	26	17
Max 24-hr Avg	23	31	35	26	23		23	22	70	46	42
Std. Dev	8	8	9	7	7		5	7	16	19	9
Days of Data	9	28	30	8	10		9	5	30	4	30
Days >150											
Yearly Avg	26	24	26	20	21		21	20	38	38	23

UTAH STATE DIVISION OF AIR QUALITY

47mm Partisol: PM10 Concentration Adjusted to Sea Level (24-hr average) in Micrograms per Cubic Meter

2006 May

Date	Cottonwood	Hawthorn	Lindon	Logan 4	Magna(W)	Moab	NProvo	NProvo-X	NSL	NSL-X	Ogden2
05/01		20	28						35		22
05/02	24	14	32	22	15		31		43		27
05/03		25	36						66		38
05/04		6	21						26		12
05/05	12	2	14		7		12	11	30	34	14
05/06		15	13						21		17
05/07		12	15						20		15
05/08	10	11	17	8	4		15		40		9
05/09		12	11						36		16
05/10		16	22						48		21
05/11	25	26	26	19			20	21	57		28
05/12		23			23				64	62	33
05/13		31	35						45		29
05/14	21	20	23	16	15		16		124		25
05/15		19							84		22
05/16		22	31						85		29
05/17		29	37	28			28	29	63	64	33
05/18		33	41						81		37
05/19		26	55						105		29
05/20		19	20	28			21		26		27
05/21		13	14								22
05/22		24	40						41		37
05/23		10	16	9			12	14	41	44	
05/24		17							52		
05/25		29	24						63		
05/26		39	35	31			36		58		42
05/27		16	26						20		15
05/28		7	5						9		
05/29		8	7	5			5	7	9	9	3
05/30		7	13						27		
05/31											

Arith Mean	18	18	24	18	13		20	16	49	43	24
Max 24-hr Avg	25	39	55	31	23		36	29	124	64	42
Std. Dev	7	9	12	10	7		10	9	28	23	10
Days of Data	5	30	28	9	5		10	5	29	5	25
Days >150											
Yearly Avg	26	24	26	20	21		21	20	38	38	23